

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
1-4

		Page 1				Page 3	
1		IN THE UNITED STATES DISTRICT COURT		1		I N D E X	
2		FOR THE EASTERN DISTRICT OF PENNSYLVANIA		2	WITNESS	EXAMINATION	PAGE
3	ADA ANGLEMEYER, et al)			3	ROBERT MCGARVEY		
4)			4			
5	- vs -) No. 19-3714		5		By: Mr. Zeiger	5, 119
6)			6		By: Mr. Bradford	111
7	NORTHAMPTON COUNTY,)			7			
8	et al)			8		E X H I B I T S	
9				9	NO.	DESCRIPTION	PAGE
10				10	McGarvey 1	Callout Report	18
11	Videotaped Video Teleconference			11	McGarvey 2	Concise Officer	64
12	Deposition of ROBERT MCGARVEY, held on August 27,			12		History	
13	2020, at 10:02 a.m., before Dolores M. Horne,			13			
14	Professional Reporter and Notary Public, in and			14			
15	for the Commonwealth of Pennsylvania.			15			
16				16			
17				17			
18	ESQUIRE DEPOSITION SOLUTIONS			18			
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22				22			
23				23			
24				24			
		Page 2				Page 4	
1	APPEARANCES:			1		DEPOSITION SUPPORT INDEX	
2				2			
3	THE ZEIGER FIRM			3		Direction to Witness Not to Answer	
4	BY: BRIAN ZEIGER, ESQUIRE			4	Page	Line	Page
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8	(215) 546-0340			8		Request for Production of Documents	
9	Attorneys for the Plaintiffs			9	Page	Line	Page
10				10	Line	Page	Line
11				11			
12				12			
13	PENNSYLVANIA OFFICE OF ATTORNEY GENERAL			13		Stipulations	
14	BY: KEVIN BRADFORD, ESQUIRE			14	Page	Line	Page
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21				21	Page	Line	Page
22				22	Line	Page	Line
23				23			
24				24			

SUMMARY
JUDGMENT
EXHIBIT
9

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
5-8

<p>1 THE VIDEO TECHNICIAN: We are now 2 on the record. The time is now 10:02 on August 3 27, 2020. This begins the video conference 4 deposition of Robert W. McGarvey taken in the 5 matter of Ada Anglemeyer, et al versus Northampton 6 County, et al, filed in the United States District 7 Court, Eastern District of Pennsylvania, Civil 8 Action No. 19-3714. My name is George Ellis. I'm 9 the remote videographer today. The court reporter 10 is Dolores Horne. We are representing Esquire 11 Deposition Solutions. Counsel, will you please 12 state your name and who you represent after which 13 the court reporter will swear in the witness.</p> <p>14 MR. ZEIGER: Brian Zeiger for the 15 plaintiffs.</p> <p>16 MR. BRADFORD: Kevin Bradford for 17 all of the current defendants.</p> <p>18 ROBERT MCGARVEY, after having 19 been first duly sworn, was examined and testified 20 as follows:</p> <p>21 MR. ZEIGER: Usual Stips?</p> <p>22 MR. BRADFORD: Yes.</p> <p>23 ***</p> <p>24 EXAMINATION</p>	<p>Page 5</p> <p>1 Q. And do you remember that job? 2 A. I do. 3 Q. And thinking back, do you believe that 4 anything that you did in regard to that job that 5 you did wrong? 6 A. No. 7 Q. Do you think you made any mistakes? 8 A. No. 9 Q. Okay. Do you think you used excessive 10 force?</p> <p>11 MR. BRADFORD: Objection to form. 12 You can answer.</p> <p>13 THE WITNESS: No.</p> <p>14 MR. BRADFORD: Rob, I might 15 periodically object, so just let me get the 16 objection in and then you can answer unless I 17 instruct you not to. And one other thing, Brian, 18 you said February 2017. It's February 2018.</p> <p>19 BY MR. ZEIGER:</p> <p>20 Q. I beg your pardon. Corporal, it's 2018. 21 Are your answers still the same to every question 22 I previously asked you?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Are -- are you aware if anyone</p>
<p>1 ***</p> <p>2 BY MR. ZEIGER:</p> <p>3 Q. Your current rank is corporal?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And what is the difference 6 between corporal and trooper?</p> <p>7 A. I'm in a supervisory position of the 8 troopers, but we are still both -- I'm in -- in 9 the patrol function currently.</p> <p>10 Q. Okay. So, it's -- it's a higher rank 11 than trooper?</p> <p>12 A. Correct.</p> <p>13 Q. How many ranks higher is it than 14 trooper?</p> <p>15 A. Just one.</p> <p>16 Q. Understood. Okay. Corporal, do you 17 remember February 23rd of 2017?</p> <p>18 A. I believe that -- yes.</p> <p>19 Q. Okay. And did you -- were you part of 20 some kind of SERT team on that day?</p> <p>21 A. I was.</p> <p>22 Q. And did you have an opportunity to have 23 a job in Northampton County?</p> <p>24 A. Yes.</p>	<p>Page 6</p> <p>1 was injured as a result of anything that you did 2 on the day in question?</p> <p>3 A. I am.</p> <p>4 Q. Okay. And do you know that person's 5 name?</p> <p>6 A. I do not.</p> <p>7 Q. Okay. And if the person claims they 8 were injured, do you have any explanation as to 9 how they received the injury?</p> <p>10 A. I just have the information I put in my 11 Callout report.</p> <p>12 Q. Understood. But did you make physical 13 contact with a human being on that day during that 14 job?</p> <p>15 A. I did.</p> <p>16 Q. Okay. And whomever that person is, you 17 don't -- you don't know their name?</p> <p>18 A. I do not.</p> <p>19 Q. And can you tell us approximately their 20 age, if you recall?</p> <p>21 A. I -- I can't.</p> <p>22 Q. Would you say they were a teenager or 23 someone in their eighties or someone in their sort 24 of forties and fifties range?</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
9-12

1 A. It was an adult aged male that I 2 remember during the incident. 3 Q. Not a senior citizen? 4 A. No. 5 Q. Okay. And where did you first encounter 6 that adult aged male? 7 A. Upon entry into the residence. 8 Q. Was he in bed or was he sort of not in 9 bed? 10 A. It was not in bed. 11 Q. Okay. And that's the only person that 12 you used any force with? 13 MR. BRADFORD: Objection. 14 THE WITNESS: Correct. 15 MR. BRADFORD: Go ahead. 16 THE WITNESS: Sorry about that, 17 Kevin. Go ahead. 18 BY MR. ZEIGER: 19 Q. To be honest with you, Kevin was slow on 20 the word objection there. I'm just trying to be 21 neutral here. But in any event, so, that's the 22 only individual with whom you used any force? 23 A. Correct. 24 Q. Okay. If that person says they were	Page 9 1 he accepted responsibility. That's not a fair 2 question. 3 MR. ZEIGER: So, I'm going to put 4 this on the record. In a car accident case, there 5 are many times when someone is in a car accident 6 and the driver of one of the cars says, yes, I 7 caused the accident. I dispute that they're 8 actually injured. I dispute that the case is 9 worth this much or I dispute that they're actually 10 saying that happened but I caused the car 11 accident. It's the same question I'm asking -- 12 MR. BRADFORD: You can ask him -- 13 you can ask if he's used force and he used force 14 against the person and he's explaining that. But 15 you're -- you're asking him to accept 16 responsibility for an injury. That's a legal 17 conclusion. That's an improper question. Come 18 on. 19 MR. ZEIGER: I think that he has to 20 answer it. So, if you're -- if you're going to 21 instruct him not to answer, then eventually I'm 22 going to file a motion with the judge and when we 23 come back, you're going to pay for deposition -- 24 MR. BRADFORD: I'm instructing him
Page 10 1 injured as a result of the force that you used, do 2 you have an explanation for -- for that person's 3 statement? 4 A. Just that the -- the actions that I took 5 that day. 6 Q. Okay. So, if they, in fact, are hurt or 7 were hurt, do you accept responsibility for 8 causing that injury to that person? 9 MR. BRADFORD: Objection to form. 10 That's not a fair question. Don't ask him that. 11 I'll tell him not to answer that. 12 MR. ZEIGER: Well, so, I asked 13 you at the beginning if there were the usual 14 stipulations. You said yes. And, so, the only 15 thing that would be covered in that would be 16 privileged. 17 MR. BRADFORD: But that's not a 18 fair question, Brian. You know that. 19 MR. ZEIGER: I think it is a fair 20 question if the officer says, you know, I caused 21 the injury, then we can move on. If the officer 22 doesn't say he caused the injury, then we have a 23 problem. I mean -- 24 MR. BRADFORD: You asked him if	Page 11 1 not to answer if you are responsible for this 2 man's injuries. 3 MR. ZEIGER: Hold on one second. 4 I'm sorry everyone. I need to pause. I'm sorry. 5 THE VIDEO TECHNICIAN: Off the 6 record. The time is 10:09. 7 (Whereupon a break was taken.) 8 THE VIDEO TECHNICIAN: We are 9 back on the record -- we are off the record. 10 (Discussion off the record.) 11 THE VIDEO TECHNICIAN: We are 12 back on the record. 13 BY MR. ZEIGER: 14 Q. Good morning, Corporal. Corporal, did 15 you cause any injury to that person as far as you 16 know? 17 A. During the course of my conduct during 18 that incident, I do not believe I caused any 19 injury to anyone during that incident. It was 20 after the fact. 21 Q. Can you explain what you mean by after 22 the fact? 23 A. When I received paperwork that there was 24 injuries incurred to the parties in this

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
13-16

<p>1 incident.</p> <p>2 Q. Okay. Do you think if I gave you the 3 name of the person who claims you injured them 4 that that would refresh your recollection as to 5 their name?</p> <p>6 A. I mean, I don't know specifically who 7 everyone is in this incident.</p> <p>8 Q. Okay.</p> <p>9 A. However, I mean, I know the gentleman 10 that I dealt with that day.</p> <p>11 Q. Do you know his name, the gentleman you 12 dealt with?</p> <p>13 A. I do not.</p> <p>14 Q. If I said his name to you, would it help 15 refresh your recollection?</p> <p>16 A. Please try.</p> <p>17 Q. Jeffrey Anglemeyer.</p> <p>18 A. I'm not -- I can't -- the main target of 19 this investigation was a Mark Anglemeyer. So I 20 remember that name.</p> <p>21 Q. I understand. But this case has nothing 22 to do with Mark Anglemeyer. We didn't -- we 23 didn't claim any --</p> <p>24 A. Okay.</p>	<p>Page 13</p> <p>1 A. He presented a verbally resistant 2 individual during this course of conduct who 3 failed to listen to commands on multiple 4 occasions. And our biggest thing is to secure 5 this residence and do it safely for -- for all, 6 including the people within and us. And he just 7 would not listen to any commands whatsoever. So 8 I -- I used my shield to take this individual to 9 the ground, to control, slash, gain compliance and 10 secure this individual.</p> <p>11 Q. Okay. And, so, if he claims he was 12 injured as a result of the way you took him to the 13 ground, do you have a response to that?</p> <p>14 MR. BRADFORD: Objection to form. 15 You can answer.</p> <p>16 THE WITNESS: He claims that Rob 17 McCarthy took him to the ground?</p> <p>18 MR. BRADFORD: The question 19 assumes that the adult male was Jeffrey 20 Anglemeyer, correct?</p> <p>21 MR. ZEIGER: No. He doesn't 22 know. I'm trying to figure out who it was.</p> <p>23 MR. BRADFORD: So the adult male. 24 MR. ZEIGER: I mean, he can say</p>
<p>1 MR. BRADFORD: He was there -- the 2 actual claims were not brought by Mark Anglemeyer. 3 BY MR. ZEIGER:</p> <p>4 Q. And we don't have any claims related to 5 Mark Anglemeyer, either. Our claims were all 6 about your entry into the building. We didn't sue 7 for a bad arrest for Mark Anglemeyer. That's not 8 part of this case.</p> <p>9 A. Okay.</p> <p>10 Q. And, so, let's go through some 11 paperwork --</p> <p>12 A. Yes.</p> <p>13 Q. -- in the case. And, so, I'm sorry, 14 just -- just to make sure I asked the question 15 correctly. So, if you -- if you -- if Jeff was 16 actually injured as a result of this, do you -- do 17 you have any explanation for that?</p> <p>18 A. Just with the totality of circumstances 19 with what was in front of me, I just used the 20 reasonable amount -- amount of force to, I guess, 21 obtain -- to obtain the lawful objective of the 22 incident.</p> <p>23 Q. Okay. With that gentleman, can you 24 describe the force you used?</p>	<p>Page 14</p> <p>1 who it was. I mean, I believe it was Jeffrey 2 Anglemeyer but I'm not allowed to testify. So I 3 tried to refresh his recollection. He said it 4 doesn't work so the corporal is the person 5 testifying.</p> <p>6 BY MR. ZEIGER:</p> <p>7 Q. So, Corporal McGarvey, if the person 8 claims they were injured as a result of that force 9 that was used, what is your response?</p> <p>10 A. That I used the reasonable amount of 11 force to secure this individual.</p> <p>12 Q. But I'm talking about the cause of the 13 injury. I mean, did you see anyone else put their 14 hands on this gentleman?</p> <p>15 A. He was passed off to another member to 16 be put in flex cuffs.</p> <p>17 Q. Did you see anyone else -- did you see 18 them use any force against him?</p> <p>19 A. No, because once other members come in 20 on scene, I -- I continued to search the 21 residence.</p> <p>22 Q. So, the answer is, no, you didn't see 23 any other members of your team use any force 24 against that same gentleman?</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
17-20

Page 17	Page 19
1 A. I did not see, correct.	1 notify anyone of any mistakes or omissions in this report?
2 Q. So, as far as you know, you're the only person that used any force against the gentleman on the day in question?	3 A. No.
4 A. I know I did, yes.	4 Q. When the report was originally typed, you can see at the top it says date of activation, 2-23-18, and it says date of report, 2-26-18.
6 Q. Okay. All right. Let's move on to some paperwork. I'm going to find the document in just a second here that I would like to use and then pull it up with the software. Can you see that?	7 Those -- those are both accurate dates, correct?
10 A. I can.	8 A. Correct.
11 Q. Is that a little better? Is that blown up better?	9 Q. That means that this report was made three days after the incident, correct?
13 A. Yes, that works right there.	11 A. Correct.
14 MR. ZEIGER: Kevin, can you see it?	12 Q. And did you -- were you the typist?
16 MR. BRADFORD: I can. I want to instructed Rob. If you need to see any part that is not shown because it's not blown up, let Brian know.	13 A. I was.
20 BY MR. ZEIGER:	14 Q. Okay. And does anyone review this or do you review your own and just submit?
21 Q. And I have the same instruction. I want you to have full access to everything. I don't want there to be any issues with that. Okay?	16 A. I type it and then I send it to my team leader, as well as the one training officer that files them.
24 A. Yes.	19 Q. Okay. And were any corrections made by anyone?
Page 18	
1 Q. I'm sorry. This is the wrong document. Pardon me. Here we go. Can everyone see that?	21 A. No.
3 A. Yes.	22 Q. Okay. Very good. So, it says here warrant service. Can you tell us what that means?
4 Q. I'm going to ask that this be marked McGarvey 1. Corporal, can you tell me what this document is, please?	24 A. That's exactly what it says. It was a warrant service type incident.
7 A. Yes. That's my Callout report for this incident.	3 Q. Okay. And when does that come up? What does that mean? What does warrant service mean?
9 Q. What is a callout report?	5 A. Basically if there's a SERT or arrest warrant and if it's a category of high risk, they contact SERT and then we secure the premises for that agency.
10 A. A callout report details everything from the incident number to the date, to the location, to the hours used. And then it documents the actions that were taking place by myself during this incident.	9 Q. I see. So they means like local police?
15 Q. And without telling me about any conversation you had with your attorney, can you please tell me, did you have an opportunity to review this document in preparation for your deposition today?	10 A. It could be Pennsylvania State Police.
20 A. Yes, that's my -- yes, that's my Callout report.	11 Q. It could be local police. It could be a federal agency as well.
22 Q. Okay. And did you notify anyone -- again, I don't want to hear about any conversations with your lawyer. But did you	13 Q. Okay. And it says 340 Old Allentown Road, Bushkill County, Northampton County. What is that address on there? What does that mean?
	16 A. That would be the address of where this incident happened.
	18 Q. The next line says date and time of notification. Is that when you were alerted by Pennsylvania State Police that you would have a SERT job?
	22 A. Correct.
	23 Q. And next it says date and time arrived at assembly point, 2-23-18 at 4:00 hours. Does

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
21-24

<p style="text-align: right;">Page 21</p> <p>1 that mean when you guys met in preparation to go 2 to do the warrant service? 3 A. Yes. 4 Q. Okay. And then it says the -- the 5 amount of time that you used on this job. And it 6 seems like a total of 14 and one-half hours. Is 7 that fair to say? 8 A. Correct. 9 Q. And then I'm going to scroll down. 10 Okay? 11 A. Yes. 12 Q. So, the first part here where it says 13 2-21-18 at 19:43 hours, that's when you received 14 the notice; is that right? 15 A. Yes. It's just a repeat of the block 16 above. 17 Q. And the next paragraph down says 18 2-23-17, which is -- which is what I was reading 19 from when I asked you the date and how I got it 20 wrong, but that's actually a typo. That should 21 say 2-23-18; it that fair, Corporal? 22 A. Could you please repeat that? It says 23 my internet connection was unstable. I didn't 24 hear anything. I apologize.</p>	<p style="text-align: right;">Page 23</p> <p>1 two big lights on the shield and it says police on 2 the front. It says Pennsylvania State Police or 3 police. There are words to identify police on the 4 front of the shield. 5 Q. And the lights in the viewing area, do 6 they stick outward from the shield or are they 7 flush with the shield? 8 A. The viewing port is flush and then the 9 lights would protrude in the front of the shield. 10 Q. Is there anything else that protrudes 11 from the shield? 12 A. Maybe a border around the viewing port. 13 I would have -- maybe but it would only be a very 14 small amount if it -- if it did protrude at all. 15 Q. And what would that be made -- what 16 substance would that be made out of, if you know, 17 plastic, metal? 18 A. Kevlar metal, I believe. 19 Q. Okay. And in this case you said the 20 shield touched the person who you touched? 21 A. Yes, I -- yes. 22 MR. BRADFORD: Can we just use 23 adult aged male just so we're clear that's -- 24 MR. ZEIGER: I mean, I'm happy to</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. That's no problem at all. The next 2 paragraph down it says, 2-23-17 at 4:00 hours. 3 And my question was, that's a typo, it actually 4 should read 2-23-18, correct? 5 A. Yes, that would be a typo. 6 Q. Okay. Then it says PSP Belfast 7 Barracks. And that's where you guys gathered in 8 preparation for the warrant service, correct? 9 A. Yes. 10 Q. Okay. And it says your -- your 11 assignment and who you were in the -- in the job; 12 is that right? 13 A. Yes. 14 Q. Then the next line says that you had a 15 Glock 9 millimeter handgun and a Sig 45 handgun; 16 is that right? 17 A. Yes. 18 Q. And you had a shield, right? 19 A. Yes. 20 Q. Can you describe the shield, please? 21 A. Yes. It's basically a black square, a 22 little bit wider than my body, about 3 feet tall, 23 I guess, approximately 3 feet tall, black in 24 color. There's a viewing port through the shield,</p>	<p style="text-align: right;">Page 24</p> <p>1 use Jeff Anglemeyer. 2 MR. BRADFORD: That's -- we don't 3 know it's him. So just say adult aged male. This 4 way we know we're talking about the same person 5 and we're not making any assumptions. 6 MR. ZEIGER: I agree with you, 7 unless you want to stipulate that it's Jeffrey 8 Anglemeyer. 9 MR. BRADFORD: I don't think it's 10 him. 11 MR. ZEIGER: I see. 12 THE WITNESS: Did you ask another 13 question there, Brian? 14 BY MR. ZEIGER: 15 Q. I was thinking about your attorney's 16 response to what I said. 17 A. I didn't know if my computer froze there 18 or not. Do you go by Brian or Mr. Zeiger or -- 19 Q. Call me anything you like, my friend. 20 A. Well, what would you prefer -- 21 Q. Brian. 22 A. Thank you, sir. 23 Q. Okay. Well, then let me ask some 24 other -- let's take a break from this -- from this</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
25-28

<p style="text-align: right;">Page 25</p> <p>1 sheet of paper for a minute. I'm going to give 2 you two other names. And you tell me if either of 3 those names refresh your recollection as to the 4 identity of who this person is. Richard 5 Anglemeyer; does that refresh your recollection? 6 A. I believe he was a member of -- of the 7 household. 8 Q. Okay. Do you believe that's the person 9 who you had contact with? 10 A. Sir, I couldn't tell you. Like I 11 don't -- you have Richard -- I can't -- I couldn't 12 tell you whose names belong to who. 13 Q. Okay. But the person -- the person did 14 not appear to be in their seventies or eighties 15 who you made contact with, was -- were they? 16 A. I mean, he was an older male. 17 Q. He was older. When I asked you before, 18 you said adult male so -- 19 A. Yes, adult male he was, yes, correct. 20 Q. Okay. 21 A. I've couldn't tell you his name, sir. 22 Q. No problem. Corporal, I'm trying to 23 distinguish between an adult male and an older 24 male. I'm trying to put them in two different</p>	<p style="text-align: right;">Page 27</p> <p>1 was off that corner that I -- I exited the vehicle 2 I was riding in, which would have been that East 3 Tac Van. 4 Q. Okay. And the next line says, it should 5 be noted a compromise was called? 6 A. Yes. 7 Q. What does that mean? 8 A. So, that comes from usually a team 9 leader that -- that is in one of the stacks 10 basically to -- a compromise is that they know our 11 presence is here. 12 Q. Okay. Who was the supervisor who said 13 that to you? 14 A. That was -- that would have been a radio 15 call, and I could not -- I could not tell you who 16 made that call. 17 Q. Okay. So, it was no one in your van who 18 told you that? 19 A. I heard it on the radio. So, I mean, it 20 could have been but I'm not sure -- that would 21 have been outside the van. 22 Q. Okay. What would have been outside the 23 van? 24 A. That compromise call.</p>
<p style="text-align: right;">Page 26</p> <p>1 categories. Okay? 2 A. Okay. 3 Q. So, let -- let me do it a different way. 4 Do you believe that -- that you had contact with 5 was -- could have been in their seventies? 6 A. To be honest, seventy is old to me. And 7 I -- the male I come in contact like he -- I don't 8 think he was that old. 9 Q. I want to give you one more name, Joseph 10 Kluska. Does that ring a bell? 11 A. That name does not ring a bell. 12 Q. Do you think the male could have been in 13 their forties that you had contact with? 14 A. When you use the term senior citizen, 15 I'm like no. But -- but I don't know, older male, 16 like not senior citizen age. 17 Q. No problem. I get it. Let's go back to 18 the document. So, the next paragraph reads, upon 19 arrival on the scene off the one-quarter corner of 20 the suspect's residence, I disembarked from the 21 East Tac Van. Can you explain what that means? 22 A. So, upon arrival on the scene, it was 23 off the one four corner. The -- the side of the 24 structure or residence are numbered. And, so, it</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. And what position were you in the 2 van? 3 A. I cannot tell you my seat position. I 4 just know I exited that van. I couldn't tell you 5 where I was at inside. I was in the back. I 6 wasn't in the front, I know that. 7 Q. What does it mean when -- when a 8 compromise is called? You might have answered 9 that. Would you please answer again? I don't 10 recall -- 11 A. Just that our presence is known. 12 Q. Okay. And how long after you received 13 that call did you exit the van? 14 A. That would have been made outside of 15 the van. So I would have exited -- 16 Q. Go ahead. 17 A. I would have exited the van, and then I 18 would have had the compromise call after that. 19 Q. Is that what happened or is that what 20 would have happened? 21 A. No. That's what happened. I heard it 22 on my radio. 23 Q. But your body radio? 24 A. Yes, yes. I have -- we each wear a</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
29-32

Page 29	Page 31
1 portable radio.	1 upon entry.
2 Q. Do you wear a body cam?	2 Q. Do you know today who that male was?
3 A. I do not.	3 A. I do not.
4 Q. Do you know why not?	4 Q. Understood. And did you notice any
5 A. I do not know.	5 other type of compromise?
6 Q. Have you ever requested one?	6 A. I did not.
7 A. I have not.	7 Q. Did you -- did you hear anything in your
8 Q. Why haven't you?	8 mind that said something is compromised?
9 A. No one in the state police wears body	9 A. I did not.
10 cams at this point.	10 Q. Okay. And how long after you heard the
11 Q. I understand. I mean, have you ever	11 call compromise was it that you made entry into
12 written a letter to a supervisor saying I'd like	12 the house?
13 to be the first guy to wear one?	13 A. I couldn't put a time, but it was
14 A. I have not.	14 probably -- because everything happened so fast.
15 Q. Why not?	15 Q. Say less than five minutes?
16 A. No reason.	16 A. Oh, yes.
17 Q. Okay. And, so, when you were outside of	17 Q. Less than two minutes?
18 the van when you received a call, how far away	18 A. Yes.
19 from the property were you?	19 Q. And, so, the next line says entry was
20 A. We would have been on the property.	20 made into the four side door, which led into the
21 Q. Now, my understanding is that this is a	21 kitchen. What does four side door mean?
22 large parcel of land. Is that -- is that fair to	22 A. So, that's, again, we're using a
23 say?	23 numbering system for the sides of the residence.
24 A. Yes.	24 So the four side was our side of entry and that
Page 30	
1 Q. Okay. And my understanding also is that	1 door would have been on the lower level of the
2 there's five buildings on the parcel of land; is	2 residence.
3 that fair to say?	3 Q. Okay. And then it says upon entry a
4 A. I know of three.	4 white male was encountered who ran from this
5 Q. Okay. Can you -- can you name all three	5 room?
6 in your mind, how would you refer to them, please,	6 A. Correct.
7 for the record?	7 Q. Okay. And do you know who that white
8 A. Yes. The main structure, which is like	8 male was?
9 the main living quarters, the house, we'll call it	9 A. I do not.
10 the house. Then there's a trailer, which would be	10 Q. Is that the same white male that you
11 a house as well and then a garage.	11 used force with?
12 Q. Okay. And, so, when you received that	12 A. Correct.
13 call, which -- were you near any of those	13 Q. Okay. The next line says, I cleared
14 buildings?	14 into the kitchen, broke off from the train with
15 A. I was near the main -- the house, the	15 Corporal Lance Schimp behind me following the
16 main house.	16 white male's path of travel entering the living
17 Q. Okay. And with your own eyes, did you	17 room. What does the word train mean in that
18 personally observe any compromise?	18 sentence?
19 A. When we were getting close to the --	19 A. That's just the line of guys going into
20 no --	20 the residence, the line of people.
21 Q. I'm sorry. I'm not trying talk over you	21 Q. Okay. You stated you followed him into
22 in any way, Corporal. Go ahead.	22 the living room. Is that room connected to the
23 A. I don't believe I witnessed that male	23 kitchen or next to the kitchen?
24 until, it may have been outside but like right	24 A. Yes.

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
33-36

Page 33	Page 35
<p>1 Q. Was anyone else in the kitchen when you 2 entered?</p> <p>3 A. I did not see anyone.</p> <p>4 Q. Did you see anyone else in the hallway 5 between the kitchen and the living room?</p> <p>6 A. No.</p> <p>7 Q. Did you see anyone else in the living 8 room?</p> <p>9 A. I did not.</p> <p>10 Q. Okay. Next it says here we encountered 11 the above white male again who was yelling at us 12 and who was always also disobeying all commands?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And, by the way, was your face 15 covered?</p> <p>16 A. Yes. I wear the helmet obviously, the 17 ear muffs. I usually have glasses and then I have 18 a neck wrap that -- wrapped around a piece of 19 kevlar that I wear on my -- on my neck.</p> <p>20 Q. Okay. Did you ever take any of that off 21 at any point during this operation?</p> <p>22 A. On the scene, no.</p> <p>23 Q. Did you ever identify yourself to any of 24 the occupants of the home?</p>	<p>1 you did something wrong on the job and someone 2 wanted to complain about you, how could they do it 3 then?</p> <p>4 MR. BRADFORD: Objection to form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: Piecing it 7 together.</p> <p>8 BY MR. ZEIGER:</p> <p>9 Q. Say it again?</p> <p>10 A. I said piecing it together just with all 11 the information.</p> <p>12 Q. How would they piece it together?</p> <p>13 A. I guess kind of like what we're doing 14 now, like talking to all the people that were 15 involved and just going by what was said.</p> <p>16 Q. Is there any other way that you're aware 17 of?</p> <p>18 A. A way to identify?</p> <p>19 Q. Yes.</p> <p>20 A. Not that I would know of.</p> <p>21 Q. I mean, Corporal, let me rephrase it. 22 We're all humans and sometimes we make mistakes, 23 right?</p> <p>24 A. Correct.</p>
Page 34	Page 36
<p>1 A. Yes.</p> <p>2 Q. When was that?</p> <p>3 A. Upon entry.</p> <p>4 Q. What did you say?</p> <p>5 A. I say state police warrant service.</p> <p>6 Q. I understand that, Corporal. I mean 7 like once everyone is in zip ties or cuffs and the 8 scene is secured, do you say my name is Corporal 9 McGarvey?</p> <p>10 A. I did not.</p> <p>11 Q. Does your outfit that you wear say 12 Corporal McGarvey on the outside anywhere?</p> <p>13 A. It does not.</p> <p>14 Q. Why is that?</p> <p>15 A. I couldn't tell you.</p> <p>16 Q. Have you ever asked anyone that you want 17 your name on the outside of your uniform?</p> <p>18 A. I have not.</p> <p>19 Q. Do you wear a badge?</p> <p>20 A. I do not.</p> <p>21 Q. Do you have a badge number on the 22 outside of your uniform?</p> <p>23 A. It does not.</p> <p>24 Q. So, let me give you a hypothetical. If</p>	<p>1 Q. Regardless of this job, I'm saying in 2 the course of your employment with the 3 Pennsylvania State Police as a corporal on the 4 SERT team, if you made a mistake and someone 5 wanted to complain about you, how could they do 6 that? How could they file a complaint?</p> <p>7 A. They could contact my supervisor to make 8 a complaint.</p> <p>9 Q. They wouldn't be able to identify you by 10 name or badge number, so what would -- if you 11 know, what would be the course of action?</p> <p>12 MR. BRADFORD: Other than what he 13 already explained?</p> <p>14 MR. ZEIGER: Yes, if he has some 15 kind of different answer or additional.</p> <p>16 THE WITNESS: I don't think I 17 have another answer.</p> <p>18 BY MR. ZEIGER:</p> <p>19 Q. Okay. The next line says here, we 20 encountered the above white male again who was 21 yelling at us and who was disobeying all commands. 22 Was it the same gentleman?</p> <p>23 A. That I -- that I seen initially coming 24 into the house?</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
37-40

Page 37	Page 39
1 Q. Yes.	1 flex cuffed.
2 A. Yes.	2 Q. Okay. And how do you -- how do you do
3 Q. Did the man seem disoriented?	3 that? I mean, what is the -- what is the move
4 A. No.	4 with the shield? How do you use the shield to get
5 Q. Did the man seem like he had dementia or	5 him on the ground?
6 Alzheimer's or anything of that nature, if you	6 A. Basically come in, the shield is
7 know what that is?	7 between --
8 A. No.	8 Q. Your video went out.
9 Q. Okay. I then pinned the white male to	9 MR. ZEIGER: Let's go off the
10 the ground with my shield because he still	10 record.
11 continued to disobey commands and resist. Can you	11 THE VIDEO TECHNICIAN: Off the
12 explain that line?	12 record.
13 A. Yes. He would not follow any commands	13 (Discussion off the record.)
14 that were given, get on the ground, get on the	14 THE VIDEO TECHNICIAN: Back on
15 ground. Getting the residence secure, as we made	15 the record.
16 entry, he just continued to verbally yell. As I	16 BY MR. ZEIGER:
17 continued to close distance, he continued to yell	17 Q. Corporal, can you see the document
18 and not obey any commands. Then I used --	18 again?
19 Q. Forgive me. It says here at 4:00 hours	19 A. I can.
20 you were at the ESP Belfast Barracks. But at what	20 Q. So, you used the shield to take him down
21 time did you make entry approximately into the	21 to the ground?
22 home?	22 A. Yes.
23 A. 06:00.	23 Q. Do you know what part of the shield made
24 Q. So, it was 6:00 a.m. that you went in?	24 contact with what part of his body?
Page 38	Page 40
1 A. Yes. 04 --	1 A. Probably the upper part.
2 Q. I'm sorry.	2 Q. Upper part of the shield or upper part
3 A. It's the video. I apologize. 04:00 we	3 of the body?
4 have our briefing. And the warrant is not a	4 A. The shield would have met his upper
5 nighttime search warrant. So it would have been	5 torso.
6 06:00 hours or after we would have been at this	6 Q. What part of the shield would have met
7 residence.	7 his upper torso, the upper or lower part of the
8 Q. And it would have still been dark out in	8 shield?
9 February at 6:00 a.m., right?	9 A. Probably the entire shield.
10 A. I believe so.	10 Q. And did you have the shield in your hand
11 Q. So, when you entered the home it was	11 and sort of lean into him and use it with force or
12 still dark outside, correct?	12 did you sort of pop the shield off your body and
13 A. Yes, I believe so.	13 knock him off his balance?
14 Q. Okay. And then it says using my shield	14 A. I used the shield and try to go down to
15 I took the white male to the ground to gain	15 the ground.
16 control. Can you explain what that means and	16 Q. So like the leverage move, like you push
17 describe the actions you took?	17 him, you're holding the shield and lean and take
18 A. Yes. Basically we were trying to secure	18 him down that way sort of?
19 this residence. And, I mean, we're looking out	19 A. Yes.
20 for the safety of everyone involved. We have a	20 Q. Okay. And, so, therefore the lights or
21 male who is disobeying all commands, that is not	21 the visibility area would have made contact with
22 listening. We can't control the scene, safety of	22 his upper torso?
23 everyone. So I used my shield to get him on the	23 A. It could have, yes.
24 ground to control him. And then he was eventually	24 Q. And did you see that happen in this

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
41-44

Page 41	Page 43
<p>1 case?</p> <p>2 A. I did not.</p> <p>3 Q. Okay. And after he -- so, the next line</p> <p>4 says, I then pinned the white male to the ground</p> <p>5 with my shield because he still continued to</p> <p>6 disobey commands and resist. Do you see that?</p> <p>7 A. Oh, yes.</p> <p>8 Q. Okay. And, so, you're now laying on top</p> <p>9 of him?</p> <p>10 A. I wouldn't say laying. Like basically</p> <p>11 shield down, I may have been on one knee just kind</p> <p>12 of hold him to the ground.</p> <p>13 Q. Okay. Then the next line says, another</p> <p>14 member eventually placed this white male into flex</p> <p>15 cuffs. Who -- who was that?</p> <p>16 A. I do not know. We had -- there was</p> <p>17 multiple individuals, but it would have been --</p> <p>18 excuse me -- someone towards -- behind me in the</p> <p>19 stack.</p> <p>20 Q. So, once he was cuffed, what did you do</p> <p>21 with him?</p> <p>22 A. Well, he would have been passed off to</p> <p>23 those members. And then I rejoined the clearing</p> <p>24 element and continued to clear the residence.</p>	<p>1 Q. The next line says -- let's talk about</p> <p>2 flex cuffs. What are flex cuffs?</p> <p>3 A. It's plastic basically handcuffs,</p> <p>4 restraints.</p> <p>5 Q. Like a zip tie?</p> <p>6 A. You could compare them two.</p> <p>7 Q. And how are they put on?</p> <p>8 A. There's loops, hands go down in and then</p> <p>9 they're tightened.</p> <p>10 Q. You just pull something and tighten them</p> <p>11 up?</p> <p>12 A. Correct.</p> <p>13 Q. And how are they removed?</p> <p>14 A. Via a box cutter.</p> <p>15 Q. Like a scissors or a knife of some</p> <p>16 sort?</p> <p>17 A. It's not -- it's made by the company</p> <p>18 and, yes, it looks like a pair of scissors.</p> <p>19 Q. Understood. Okay. No problem. And</p> <p>20 then it says I then linked up with additional</p> <p>21 members catching up to the train in the pool room.</p> <p>22 And by pool room, is that like a billiards room or</p> <p>23 somewhere where one would go swimming?</p> <p>24 A. That would be -- that would be where</p>
Page 42	Page 44
<p>1 Q. Did you -- did you see him again?</p> <p>2 A. I may have. But I don't recall because</p> <p>3 like if -- if a person is not in my custody or</p> <p>4 being detained by me during -- during this</p> <p>5 incident, like it's that person that is with them</p> <p>6 to basically stay with them.</p> <p>7 Q. Did you ever -- did you ever see him in</p> <p>8 a chair? Did you ever see him seated in a chair?</p> <p>9 A. I did not.</p> <p>10 Q. Okay. And did you see how he was exited</p> <p>11 from the residence?</p> <p>12 A. I did not.</p> <p>13 Q. Do you know whether he was exited into</p> <p>14 -- out of the residence?</p> <p>15 A. I did not. You said -- say that</p> <p>16 question again there, sir? You said something</p> <p>17 about exited? I cut you off.</p> <p>18 Q. No. I think I asked one question too</p> <p>19 soon, too early. So I was trying to do them out</p> <p>20 of order, which is bad. Let me start over. I</p> <p>21 apologize, Corporal. Do you know, was he ever</p> <p>22 exited out of the premises during the SERT</p> <p>23 operation?</p> <p>24 A. I do not.</p>	<p>1 someone goes swimming.</p> <p>2 Q. Is that indoor or outdoor?</p> <p>3 A. That was an indoor.</p> <p>4 Q. Okay. And what else is inside the pool</p> <p>5 room?</p> <p>6 A. I believe there was a storage room on</p> <p>7 the back side of it.</p> <p>8 Q. The next line says we cleared the pool</p> <p>9 pump storage room. Is that the room you're</p> <p>10 referring to?</p> <p>11 A. Yes. That would have been the pool and</p> <p>12 then a pool pump storage room.</p> <p>13 Q. The next line says -- and in that pool</p> <p>14 pump storage room, did you locate any person or</p> <p>15 any item of interest?</p> <p>16 A. No.</p> <p>17 Q. The next line says, no other persons,</p> <p>18 evidence was located. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And then the next line says, a secondary</p> <p>21 search was conducted. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. What does that mean, a secondary search</p> <p>24 was then conducted?</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
45-48

Page 45	Page 47
1 A. That's -- we basically make sure we 2 didn't miss any persons within the residence. 3 Q. And we're -- well, you were only looking 4 for one person, right? 5 A. It's -- basically our job was to secure 6 the residence. So it was basically I can't say 7 person. 8 Q. But wasn't the reason you were there was 9 to arrest a gentleman named Mark Anglemeyer and 10 then search the property? Weren't those your sort 11 of two dual goals at the same time? 12 A. Our goal -- did someone speak? 13 Q. Go ahead. 14 A. Our goal -- I'm sorry. Our goal was to 15 secure the -- secure the property. That would 16 have been SERT's job function. 17 Q. Okay. In the next line it says, I did 18 not locate any additional persons or evidence. 19 So, can you explain what that means in relation to 20 the last answer you just gave? If your only job 21 was to secure the premises, then why did you write 22 in here I did not locate any additional persons or 23 evidence? 24 A. So, persons -- basically by securing the	1 assembly point the spot where you got out of the 2 van or the spot where you were briefed at 4:00 3 a.m.? 4 A. Briefed at 4:00 a.m. 5 Q. And did you do that? Did you return 6 there to the Belfast Barracks with no issue? 7 A. Correct, yes. 8 Q. And after that your assignment was 9 complete, correct? 10 A. Yes. 11 Q. And you were debriefed? 12 A. Yes, once we got back to the barracks. 13 Q. Who debriefed you? 14 A. The whole team -- the whole team 15 debriefs. 16 Q. What does that mean? 17 A. Basically just kind of walk through the 18 incident and go -- like basically tell what -- 19 what you did in the team setting there. 20 Q. The next line says, post activation 21 inventory complete. What does that mean? 22 A. Just making sure that I have all my gear 23 with me, it's all accounted for. 24 Q. The next line says, weapon and equipment
Page 46	Page 48
1 residence you're securing everything within, 2 meaning persons. So I didn't locate any 3 additional persons because I didn't come in 4 contact with any. And I put evidence in there 5 just because if any -- if I see anything in plain 6 view I'll note it. But we aren't searching for 7 evidence. 8 Q. Okay. The next line says, I exited the 9 four side of the suspect residence and provided 10 outside security. So basically that means you 11 left the property and stood outside and waited 12 until you could go? 13 A. I would have still been on the property 14 but outside of the residence. 15 Q. Right. And, so, but what were you doing 16 when you were standing out there? 17 A. Just basically making sure everything 18 was under control. And then secondaries were 19 done, so we were waiting for the primary 20 investigators to show up. 21 Q. And did that all happen smoothly? 22 A. Yes, I believe so. 23 Q. The next line says, I was eventually 24 advised to return to the assembly point. Is the	1 maintenance complete. That's a similar task I 2 take it? 3 A. Basically just making sure all of our 4 weapons are functioning, clean. Just making sure 5 all of our tools are accessible, just making sure 6 everything is kind of ready for another -- for a 7 call out. 8 Q. Okay. I understand. So let me ask you 9 this, Corporal. How tall are you? 10 A. Five, 9. 11 Q. How much do you weigh? 12 A. About 170. 13 Q. And how old are you? 14 A. Say again? 15 Q. How old are you? 16 A. Thirty-seven. 17 Q. And how many years have you been a 18 corporal for the Pennsylvania State Police? 19 A. I've been with the state police 13 and 20 one-half years. I've been a corporal roughly 21 probably three and one-half. 22 Q. And before -- before that 13 and 23 one-half years, did you have any jobs in security, 24 the armed forces or any other kind of law

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
49-52

Page 49	Page 51
<p>1 enforcement?</p> <p>2 A. I did not.</p> <p>3 Q. And -- and, so, your first job in</p> <p>4 security law enforcement or military was working</p> <p>5 for the Pennsylvania State Police; is that</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Did you have any occupation before that</p> <p>9 job?</p> <p>10 A. I did. I worked multiple jobs.</p> <p>11 Q. None of them were anything remotely</p> <p>12 related to what you do for a living now,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. All right. I'm going to stop sharing</p> <p>16 this document for a moment. So, Corporal, can you</p> <p>17 tell me if there is a complaint made about you,</p> <p>18 about what you -- what you do on your job, do you</p> <p>19 know what the process is?</p> <p>20 A. It usually goes to a supervisor or else</p> <p>21 they can make a complaint via a website. And then</p> <p>22 it kind of -- I guess it's investigated.</p> <p>23 Q. Okay. By whom, if you know?</p> <p>24 A. So, it will go -- basically a blue team</p>	<p>1 and/or making decisions regarding internal affairs</p> <p>2 complaints, are you aware of anyone who has that</p> <p>3 role that is not -- is not a Pennsylvania state</p> <p>4 trooper?</p> <p>5 A. I am not.</p> <p>6 Q. Thank you very much. I'm glad I was</p> <p>7 able to clarify. Now, are you aware, is there a</p> <p>8 way for another trooper to make a complaint about</p> <p>9 you or for you to make a complaint about another</p> <p>10 trooper?</p> <p>11 A. Yes.</p> <p>12 Q. And can you explain your answer?</p> <p>13 A. Basically the same way.</p> <p>14 Q. How would that occur, like go on blue</p> <p>15 system?</p> <p>16 A. Say again?</p> <p>17 Q. They would enter it into the blue</p> <p>18 system?</p> <p>19 A. Yes, the blue team system.</p> <p>20 Q. Okay. And is there a policy or</p> <p>21 procedure that you're aware of with the</p> <p>22 Pennsylvania State Police regarding filing a</p> <p>23 complaint against a fellow trooper?</p> <p>24 A. I don't believe so.</p>
Page 50	Page 52
<p>1 entry would be done.</p> <p>2 Q. What does that mean?</p> <p>3 A. That's so a blue -- it's like a blue</p> <p>4 team system, I guess. The complaint is put into</p> <p>5 the system. I don't know if that's the name of</p> <p>6 the system or what. But then that gets forwarded</p> <p>7 to IAD, our internal affairs division.</p> <p>8 Q. Okay. And the internal affairs</p> <p>9 division, if you know, is that operated by the</p> <p>10 Pennsylvania State Police?</p> <p>11 A. Yes.</p> <p>12 Q. And if you know, is there anyone who</p> <p>13 works in the internal affairs unit that is a</p> <p>14 civilian?</p> <p>15 A. I don't believe so.</p> <p>16 Q. To the best of your knowledge, everyone</p> <p>17 who works there is an employee of the Pennsylvania</p> <p>18 State Police?</p> <p>19 A. I believe so, unless they have clerks</p> <p>20 and such.</p> <p>21 Q. I agree with you. That was a bad</p> <p>22 question. That's my fault. I understand what you</p> <p>23 mean by your answer. Let me rephrase it. Of the</p> <p>24 people investigating internal affairs complaints</p>	<p>1 Q. Like if you -- if you see a state</p> <p>2 trooper steal a pack of gum, do you have a duty to</p> <p>3 report them?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So, can you explain your answer?</p> <p>6 How would you -- how would you report that</p> <p>7 officer?</p> <p>8 A. Via -- I mean, you probably tell your</p> <p>9 supervisor. But then it would be done via that</p> <p>10 blue team -- blue team system.</p> <p>11 Q. And is that a mandatory report?</p> <p>12 A. For like wrongdoing?</p> <p>13 Q. Yes.</p> <p>14 A. Like -- like the guy stole the gum, a</p> <p>15 pack of gum, yes.</p> <p>16 Q. So, it's mandatory that you must report</p> <p>17 them?</p> <p>18 A. If I witnessed it, yes.</p> <p>19 Q. Moving on. Is there any type of self</p> <p>20 reporting required?</p> <p>21 A. If I stole a pack -- like going back to</p> <p>22 the gum incident. If I stole a pack of gum?</p> <p>23 Q. Well, I think perhaps there's a better</p> <p>24 answer for -- for that. But like say you're off</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
53-56

Page 53	Page 55
1 duty and you get a DUI, I think it's probably a 2 better example for a self-reporting hypothetical. 3 Do you have a duty to self report? 4 A. Yes. 5 Q. Can you explain your answer? 6 A. If I got a DUI off duty, that phone call 7 better be happening to report that. 8 Q. You use that blue box system? 9 MR. BRADFORD: Blue team. 10 THE WITNESS: That's fine. I 11 believe a supervisor would do that. 12 BY MR. ZEIGER: 13 Q. So you would call your supervisor and 14 then your supervisor would have a duty to report 15 you and the supervisor would follow through with 16 the procedure you gave in your previous set of 17 answers regarding reporting on a fellow trooper? 18 A. Well, he would do the -- the blue team 19 entry. And then I -- it would go to IAD then. 20 MR. ZEIGER: I beg your pardon. 21 I have to take a very brief recess. Can we go off 22 the record. 23 THE VIDEO TECHNICIAN: Off the 24 record, 10:57.	1 A. I've never seen this document before. 2 To be honest with you, I would have to look it up 3 to tell you what that means. Officer history is 4 just a history of my -- of me. 5 Q. Okay. I'm going to say for the record, 6 your lawyer can disagree, I'm going to make a 7 statement that the word concise kind of means 8 brief or abbreviate. 9 MR. BRADFORD: I just want to make 10 it clear, Rob, if you don't know the answer to 11 something, the answer is I don't know. If you're 12 making an assumption or guessing, if Mr. Zeiger 13 wants you to do that, go ahead. But just make 14 sure you clarify that you're just guessing or 15 assuming or estimating -- 16 BY MR. ZEIGER: 17 Q. I agree with your attorney completely. 18 I don't want you to guess or assume or anything 19 unless I say can you estimate or something like 20 that. But in your previous answer you said that 21 you weren't sure what the word concise meant. And 22 I was saying that it means abbreviated or brief in 23 the English language. I was just putting that out 24 there so that you have a better understanding of
Page 54	Page 56
1 (Whereupon a break was taken.) 2 THE VIDEO TECHNICIAN: We are 3 back on the record. The time is 11:03. 4 BY MR. ZEIGER: 5 Q. So, Corporal, so back to the DUI 6 example. So your answer is, is that in the DUI 7 example you would self report to your supervisor 8 and then they would report against a fellow 9 trooper, who is you, using the system that is in 10 place. Is that -- is that your previous answer? 11 A. Yes. 12 Q. Now, what about use of force, same 13 example, you do something that you think you used 14 too much force, what would you do? 15 A. I've never done that before, so I don't 16 know. 17 Q. Very good. Let me share another 18 document. Can you see this document on your 19 screen? 20 A. I can. 21 Q. Is that your name at the top? 22 A. Yes. 23 Q. It says concise officer history. What 24 does that mean?	1 what I'm about to do. Okay? 2 MR. BRADFORD: I think he 3 understands generally what the word concise means. 4 I think he just doesn't know what concise officer 5 history, which is the title specifically of this 6 document. 7 MR. ZEIGER: Then I misunderstood 8 his answer. 9 BY MR. ZEIGER: 10 Q. Is that fair to say, Corporal? 11 A. Yes. 12 Q. Thank you. So, the document that you 13 have on your screen is your concise history. And 14 I'm going to represent to you that it is a history 15 of any complaints that are made -- have been made 16 about you. Okay? 17 A. Okay. 18 MR. BRADFORD: I'm going to object 19 to that characterization on foundation grounds but 20 go ahead. 21 MR. ZEIGER: I don't know how you 22 know that but maybe you have some document or some 23 other deposition where you have that knowledge. 24 BY MR. ZEIGER:

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
57-60

Page 57	Page 59
<p>1 Q. Corporal, I'm going to state for the 2 record that your attorney provided me with this 3 document in response to a request for production 4 of documents in a discovery request from the case. 5 And the request was can you give a -- a history of 6 any complaints that were made about you in -- in 7 your employment with the Pennsylvania state 8 troopers and/or I write in the response, or a 9 concise officer history because I believe that 10 that is what law enforcement refers to the brief 11 version of someone's history, as opposed to 12 getting 1000 page document. So this is the 13 document I believe that your lawyer gave me in 14 response to that. If you believe that this is not 15 the correct document or it does not properly give 16 a concise history of complaints made against you, 17 I would ask your attorney to provide me with that 18 after today's deposition.</p> <p>19 MR. BRADFORD: And I'm just saying 20 that you're not characterizing this document. 21 You've requested, as you explained, you requested 22 the concise officer history or something along 23 those lines. I provided that. But this may not 24 necessarily -- each entry on here does not</p>	<p>1 Q. So, therefore, if there's any use of 2 force that is listed on your concise officer 3 history, it, therefore, is from a civilian making 4 a complaint against you, correct? 5 A. No. 6 Q. It's not reasonable to say that? 7 A. Yes. 8 Q. So, now I don't understand. So no other 9 trooper has ever made a complaint against you. 10 You've never self reported and we have your 11 concise history. There are -- there are issues in 12 here that say use of force. How else could they 13 be reported on here, if you know? 14 A. Any time a taser is deployed, pepper -- 15 pepper spray, that's an automatic blue team 16 entry. 17 Q. I'm going to stop sharing the document 18 for a minute. Corporal -- 19 A. Yes. 20 Q. -- I asked you before if there was any 21 self reporting mechanism that goes on regarding 22 use of force and you said yes. And I said have 23 you ever self reported and you said no. Remember 24 that --</p>
<p>1 necessarily mean there was a complaint. And 2 you're characterizing it as a complaint generates 3 an entry on here and I don't think that's correct. 4 But if you think it is and that's your 5 understanding and you have some other basis for 6 that knowledge, go ahead and tell him that's your 7 understanding but I just want to clarify that for 8 the record.</p> <p>9 MR. ZEIGER: I understand. Let 10 me ask another question.</p> <p>11 MR. BRADFORD: Let me say one 12 more thing, Brian, so we're hopefully on the same 13 page. If there's a particular use of force, it 14 might generate an entry on here.</p> <p>15 MR. ZEIGER: Right, understood.</p> <p>16 BY MR. ZEIGER:</p> <p>17 Q. So, let me ask you this, Officer. Have 18 you ever known another state trooper to report you 19 for using too much force?</p> <p>20 A. No.</p> <p>21 Q. And you've never self-reported use of 22 force? You just gave me that answer like five 23 questions ago, right?</p> <p>24 A. No.</p>	<p>1 MR. BRADFORD: You said 2 complaint, there was complaint of use of force. 3 MR. ZEIGER: I'm like -- I'm 4 going back ten questions now, Kevin. 5 MR. BRADFORD: Okay. Go ahead. 6 BY MR. ZEIGER: 7 Q. I asked you if there was any self 8 reporting, and you told me there was. And I gave 9 you the DUI -- DUI example. Do you remember that? 10 A. Yes. 11 Q. And then I asked you if the same would 12 apply with use of force, and you said, yes, was 13 your answer that it would apply in the same way. 14 Do you remember that answer? 15 A. Yes. 16 Q. And I asked you if you ever self 17 reported and your answer was no. 18 A. I believe I did say no. 19 MR. BRADFORD: No. Your question 20 was if someone used too much force, that's 21 where -- that's where I think we're getting lost 22 here. 23 BY MR. ZEIGER: 24 Q. Well, let's -- let's get found. Okay.</p>
	Page 60

**ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY**

**August 27, 2020
61-64**

<p style="text-align: right;">Page 61</p> <p>1 Tell me about self reporting regarding force?</p> <p>2 A. Okay.</p> <p>3 Q. Have you ever been involved in any self</p> <p>4 reporting using force?</p> <p>5 A. Yes.</p> <p>6 Q. Can you explain your answer?</p> <p>7 A. The -- any time a taser is deployed,</p> <p>8 acetone is used or the pepper spray is used,</p> <p>9 that's an automatic blue team entry. And I've</p> <p>10 used my taser before.</p> <p>11 Q. Okay. And, so, what is process then for</p> <p>12 that?</p> <p>13 A. I report that and that is a blue team</p> <p>14 entry and that gets moved on to IAD.</p> <p>15 Q. Okay. And every time that happens, you</p> <p>16 get investigated by IAD?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And in any of those -- those</p> <p>19 times, do they make a finding at the end of their</p> <p>20 investigation?</p> <p>21 A. Yes.</p> <p>22 Q. And what is that finding, like how does</p> <p>23 that happen? Explain that.</p> <p>24 A. Through investigation, talking to</p>	<p style="text-align: right;">Page 63</p> <p>1 A. I don't believe so.</p> <p>2 Q. Okay. If I use the abbreviation EIP --</p> <p>3 A. Let me correct that real quick.</p> <p>4 Q. Please.</p> <p>5 A. I believe there was a complaint for --</p> <p>6 this guy was reporting an incident. I -- it was</p> <p>7 over the phone and he was dissatisfied and that</p> <p>8 went to a supervisor resolution.</p> <p>9 Q. Understood. There's something called</p> <p>10 EIP entry. Do you know what that stands for?</p> <p>11 A. Yes.</p> <p>12 Q. Can you explain?</p> <p>13 A. Early intervention program.</p> <p>14 Q. What does that mean?</p> <p>15 A. I believe there's certain -- I don't</p> <p>16 know.</p> <p>17 Q. Because I asked you, you know, what the</p> <p>18 choices were and you said founded or unfounded as</p> <p>19 far as resolution goes. Remember that?</p> <p>20 MR. BRADFORD: Then he said I</p> <p>21 don't know. That's all.</p> <p>22 BY MR. ZEIGER:</p> <p>23 Q. So, is it possible there's another one</p> <p>24 called EIP?</p>
<p style="text-align: right;">Page 62</p> <p>1 everyone involved.</p> <p>2 Q. I mean, what are -- what are the choices</p> <p>3 they have, it's founded or unfound or are there</p> <p>4 other terms or vernacular that's used by</p> <p>5 Pennsylvania State Police, explain that?</p> <p>6 A. I believe it would be founded and</p> <p>7 unfounded.</p> <p>8 Q. Okay.</p> <p>9 A. I don't know. Like you'd have to talk</p> <p>10 to IAD, an investigator from IAD to be sure. Like</p> <p>11 I apologize. I should have said I don't know on</p> <p>12 that one.</p> <p>13 Q. That's -- and to your -- to your</p> <p>14 knowledge, has there ever been a founded use of</p> <p>15 force issue in your career with the Pennsylvania</p> <p>16 State Police?</p> <p>17 A. Regarding myself?</p> <p>18 Q. Yes, regarding your history in the</p> <p>19 employment in the -- with the Pennsylvania State</p> <p>20 Police?</p> <p>21 A. No.</p> <p>22 Q. Has there ever been any finding against</p> <p>23 you with the Pennsylvania State Police for any</p> <p>24 reason at all through IAD?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. I couldn't tell you 100 percent. I</p> <p>2 don't know.</p> <p>3 Q. I understand. Let's go back to that</p> <p>4 document. Corporal, I'm showing you a document</p> <p>5 I'm going to have marked as McGarvey 2. I'm</p> <p>6 telling you this is your concise officer history</p> <p>7 that was provided to me by your attorney. Okay?</p> <p>8 A. Yes.</p> <p>9 Q. And have you ever seen this document</p> <p>10 before?</p> <p>11 A. I have not.</p> <p>12 Q. I'm going to go all the way to the last</p> <p>13 page of this document.</p> <p>14 A. Yes.</p> <p>15 Q. Can you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. This shows that there have been</p> <p>18 13 reports, that's fair, incidents in regard to</p> <p>19 your employment as a member of the Pennsylvania</p> <p>20 State Police. Do you agree it says 13?</p> <p>21 A. I would have to go through. But I</p> <p>22 imagine that they -- I don't -- I would imagine if</p> <p>23 that's -- if they're -- if that's what comes down,</p> <p>24 correct.</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
65-68

Page 65		Page 67
1 Q. That's fair enough. I'm just saying you		1 A. Yes.
2 see on your screen the number 13? Like it says		2 Q. And that would be a self reported
3 13 --		3 incident, which is why it would be on here?
4 A. Yes, yes, I do. I see 13.		4 A. Correct.
5 Q. Okay. And I'm just going to go down		5 Q. Supervisory resolution, you answered
6 this list now.		6 that one. And the next says use of force, nine.
7 A. Okay.		7 Do you see that?
8 Q. There's -- one thing says accelerated		8 A. Yes.
9 investigation, one. Do you know what that is?		9 Q. If you know, are any of those nine from
10 A. I do not.		10 complaints from civilians or people or are they
11 Q. One says complaint, one. Do you know		11 all from times when you used some type of weapon
12 what that is?		12 that caused you to self report?
13 A. I would imagine that's a complaint.		13 A. Looking at this document, I
14 Q. The next one says firearm discharge,		14 would believe that all nine are the self
15 one. Do you know what that is?		15 reporting.
16 A. A firearm discharge, yes.		16 Q. Right. So, you don't believe in your
17 Q. Supervisory resolution, one. Do you		17 career you've ever had anyone complain about you
18 know what that is?		18 using too much force?
19 A. Yes.		19 A. No.
20 Q. What was that one?		20 Q. Have you ever been sued before?
21 A. A supervisory resolution.		21 A. I don't believe so.
22 Q. But do you know what happened in the		22 Q. Okay. I understand. Are you aware of
23 incident?		23 any of these use of force of nine on here that
24 A. I believe that that was the one I told		24 were found against you?
Page 66		Page 68
1 you about.		1 A. No.
2 Q. So, let's go back up to the top.		2 Q. Did you self report in this case
3 Accelerated investigation, one. Do you know what		3 regarding the Anglemeyer property that we're here
4 that case was?		4 for in this case?
5 A. I do not.		5 MR. BRADFORD: Objection to
6 Q. Next, complaint, one. Do you know what		6 foundation. You can answer.
7 that case was about?		7 THE WITNESS: My supervisor knew.
8 A. I believe that that was the one I told		8 BY MR. ZEIGER:
9 you about.		9 Q. Okay. And are you aware if any of these
10 Q. Okay. And the next one, firearm		10 nine include this incident that we're here for
11 discharge, one. Do you know what that case was?		11 today?
12 A. I believe so.		12 A. I'm not sure.
13 Q. Tell us about that case, please?		13 Q. Okay. No problem. So, I have some
14 A. I utilized bean bags on an individual		14 followup questions here. Okay. Are you -- do you
15 during an incident.		15 need a break or are you -- are you good?
16 Q. Okay. And was that during a SERT		16 A. I'm good.
17 warrant execution?		17 Q. Was there a very large African American
18 A. SERT barricade.		18 trooper that was working in your -- in your SERT
19 Q. What does that mean?		19 team as far as entry to the house goes, if you
20 A. Basically that's -- it's an individual		20 recall?
21 has barricaded himself within a residence and this		21 A. Yes, we have a black male that is part
22 fellow was armed.		22 of our SERT team.
23 Q. And you discharged your firearm that had		23 Q. And what is his name?
24 bean bags in it as part of that operation?		24 A. Brian King, Corporal Brian King.

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
69-72

	Page 69	Page 71
1 Q.	How big of a guy is he?	1 property, no.
2 A.	Six, 4, 230.	2 Q. And after the property was secured, was
3 Q.	Fair enough. And did you have any	3 anyone -- was any video taken?
4	interaction with him on the day in question?	4 A. I'm not 100 percent sure.
5 A.	I'd have to look at the activation	5 Q. So, what information were you given in
6 report but, no, I don't believe so.		6 the debriefing about what to expect that you might
7 Q.	Well, the previous document we were on,	7 encounter when executing this warrant, if you
8 is that the activation report?		8 recall?
9 A.	No. That was my report.	9 A. During the -- you said debriefing or
10 Q.	But you didn't -- what is the activation	10 briefing?
11 report?		11 Q. Briefing.
12 A.	That is basically the warrant service	12 A. During the briefing. Basically all the
13 briefing report.		13 details, all the intel on this service to include
14 Q.	Understood. But I'm asking a different	14 who is -- the requesting agency was, the details
15 question. Just from your memory, did you have any		15 of their investigation and -- which was a meth
16 interaction with Mr. King that day?		16 investigation involving the parties -- the one
17 A.	No.	17 party, a lot of information was CI intelligence,
18 Q.	What is his rank?	18 as well as officer intelligence. There was drugs,
19 A.	Corporal.	19 guns, multiple people and it was told that there
20 Q.	Corporal, same as yours?	20 was hostility towards law enforcement.
21 A.	Correct.	21 Q. Let's break that down. Who was hostile
22 Q.	Okay. And did you -- do you have any	22 against law enforcement? Where did that come
23 memory seeing him enter the house?		23 from?
24 A.	I do not.	24 A. It was said multiple times during the
	Page 70	Page 72
1 Q.	Was he in the train?	1 video, as well as it was also in the warrant
2 A.	I can't tell you. I don't know.	2 service packet, that it was related in there,
3 Q.	How many trains were there?	3 too.
4 A.	Two.	4 Q. I meant more like the source.
5 Q.	Do you know if he was on your train or	5 A. The source I could not tell you.
6 the other one?		6 MR. BRADFORD: Are you asking who
7 A.	I'm not sure.	7 told McGarvey or who told the person who told
8 Q.	Were both trains into this main	8 McGarvey?
9 property, the -- the residence where people were		9 MR. ZEIGER: Who told the person
10 living?		10 who told McGarvey, if he knows.
11 A.	Yes.	11 THE WITNESS: No.
12 Q.	Okay. Do you know, were any videos	12 BY MR. ZEIGER:
13 taken at any point in time by anyone?		13 Q. And when you -- when you went in was
14 A.	During the incident?	14 corporal the highest ranking person who went in,
15 Q.	Regarding -- regarding the job, the SERT	15 into the building?
16 job --		16 A. Through the execution of the warrant
17 A.	Sorry. I cut you off.	17 service, yes.
18 Q.	It's okay. From beginning to end of	18 Q. And you mentioned something about a meth
19 this SERT job that we're here to talk about, are		19 investigation, correct?
20 you aware of anyone videotaping it?		20 A. Correct.
21 A.	Including the briefing?	21 Q. What information did you have about it
22 Q.	No. Once you were in route to the	22 being a meth investigation?
23 property.		23 A. That multiple purchases were made. The
24 A.	From the point we were in route to the	24 prime suspect in that case was a Mark Anglemeyer

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
73-76

Page 73	Page 75
1 and they were done on this property, the 2 purchases.	1 Q. How is that? Explain that. 2 A. If it's not the enumerated -- the 3 enumerated sections, you can have a license to 4 carry.
3 Q. There was no allegation of anyone named 4 Ada Anglemeyer that was involved in any kind of 5 narcotics investigation, correct?	5 Q. Okay. But basically the entire crimes 6 code is the enumerated sections, correct? 7 A. I -- I can't tell you 100 percent.
6 A. Correct.	8 Q. You have to fill out an application with 9 the Pennsylvania State Police in order to get a 10 license to carry, correct?
7 Q. There was no -- no one named Richard 8 Anglemeyer that was involved in any kind of 9 narcotics investigation, correct?	11 A. Correct.
10 A. No. There was multiple people named. 11 It was just unknown if they were connected at 12 all.	12 Q. And you have to indicate on there 13 whether you have any prior record, correct?
13 Q. No. I'm not asking for a 14 generalization. I'm asking specifically. Did you 15 have any specific information to know that anyone 16 named Ada Anglemeyer was involved in any kind of 17 narcotics transaction?	14 A. I think it's with the sheriff's 15 department.
18 A. No.	16 Q. Okay. With the sheriff's department you 17 have to indicate on that form whether you have a 18 prior record, correct?
19 Q. You did not have any information that 20 anyone named Richard Anglemeyer was involved in 21 any narcotics transaction, correct?	19 A. Correct.
22 A. No. The main target, which would have 23 been that Mark Anglemeyer.	20 Q. And if you lie on that application in 21 order to get a license to carry, that's a crime in 22 and of itself, correct?
24 Q. You do not have any information that	23 A. Yes.
Page 74	24 Q. And in the 13 years you've been a
1 Jeffrey Anglemeyer was involved in any narcotics 2 transactions; did you?	Page 76 1 trooper, have you ever arrested anyone for that? 2 A. I have not.
3 A. No, not that I recall.	3 Q. Okay. But you're aware that people get 4 arrested for that?
4 Q. You did not have any information that 5 Joseph Kluska was involved in any narcotics 6 investigation, correct?	5 A. Yes.
7 A. No. Everything was --	6 Q. Okay. In this case were you aware if 7 anyone in the residence had a license to carry?
8 Q. Okay. Now, as far as these guns go, 9 right -- let me ask some foundational questions 10 before I get into that. So, you understand that 11 in order to have a license to carry you can't have 12 a prior record in Pennsylvania, you agree with 13 that statement?	8 A. I know during the briefing multiple 9 people had a license to carry.
14 A. Yes. They're enumerated offenses that, 15 certain offenses that prohibit you from having a 16 license to carry.	10 Q. So, isn't it reasonable that -- that 11 none of those people had a prior criminal 12 record?
17 Q. Right. So, if someone has a license to 18 carry, can you come to the conclusion as a state 19 trooper that they are law abiding citizens?	13 A. Not that I know of.
20 MR. BRADFORD: Objection to form. 21 BY MR. ZEIGER:	14 Q. In the briefing when they said that 15 there were guns there and people had a license to 16 carry, did you ask anyone whether any of those 17 people had a prior -- prior criminal record?
22 Q. You can answer.	18 A. I knew people had criminal records 19 within the residence, but I couldn't tell you 20 which ones.
23 A. I mean, you could still have a criminal 24 history and carry.	21 Q. Who did you know had a prior record? 22 A. I know Mark did, Mark Anglemeyer.
	23 Q. Understood. But of the people who had a 24 license to carry, did you identify any of them

**ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY**

**August 27, 2020
77-80**

<p style="text-align: right;">Page 77</p> <p>1 that had a prior criminal record?</p> <p>2 A. I don't believe so. I don't know 100</p> <p>3 percent.</p> <p>4 Q. Right. So, the people that have a</p> <p>5 license to carry, were -- were any guns registered</p> <p>6 to them?</p> <p>7 A. Yes, I believe so. There was multiple</p> <p>8 people that had guns registered to them.</p> <p>9 Q. What is illegal about that?</p> <p>10 A. Nothing.</p> <p>11 Q. Okay. So, in -- in your analysis, in</p> <p>12 your briefing where you said there were people</p> <p>13 with guns in the house what -- what -- what makes</p> <p>14 that illegal?</p> <p>15 MR. BRADFORD: Objection to form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Repeat your question</p> <p>18 there, sir.</p> <p>19 BY MR. ZEIGER:</p> <p>20 Q. If multiple people in the residence had</p> <p>21 a valid license to carry and firearms registered</p> <p>22 to them, what -- how does that -- what is illegal</p> <p>23 about that?</p> <p>24 A. I don't believe anything.</p>	<p style="text-align: right;">Page 79</p> <p>1 there were multiple guns in the home; is that</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And I don't understand why that's</p> <p>5 part of this analysis, so I'm asking questions</p> <p>6 regarding that. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. Okay. So I then asked you if you</p> <p>9 checked to see if the people in the house had guns</p> <p>10 registered to their names and a valid Pennsylvania</p> <p>11 license to carry and you said yes to both of</p> <p>12 those, correct?</p> <p>13 MR. BRADFORD: You're asking if he</p> <p>14 personally did or if this information was</p> <p>15 presented to him --</p> <p>16 MR. ZEIGER: I'd like to discover</p> <p>17 that. I'm trying -- I'm trying to get at why the</p> <p>18 fact that someone has a valid license to carry</p> <p>19 contributes to some kind of danger --</p> <p>20 MR. BRADFORD: So you're asking</p> <p>21 him why this information was presented to him is</p> <p>22 the --</p> <p>23 MR. ZEIGER: How it's relevant to</p> <p>24 him in his execution of the warrant is what I'm</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Well, when I asked you about being</p> <p>2 briefed and you said you were given all of this</p> <p>3 information about this dangerous situation or</p> <p>4 criminal activity is the fact that people had guns</p> <p>5 that were validly registered and had a valid</p> <p>6 license to carry, how does that contribute at all</p> <p>7 to your analysis of what you're going to encounter</p> <p>8 when you go into this house?</p> <p>9 MR. BRADFORD: Objection to form.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: Guns -- please</p> <p>12 repeat. The object -- that throws me off there.</p> <p>13 I apologize.</p> <p>14 MR. BRADFORD: I'm going to object</p> <p>15 to this argumentative question, but you can keep</p> <p>16 going down this road if you want -- want to,</p> <p>17 Brian. Go ahead.</p> <p>18 BY MR. ZEIGER:</p> <p>19 Q. You -- you said that when you were</p> <p>20 briefed there were a list of factors that you were</p> <p>21 given?</p> <p>22 A. Yes.</p> <p>23 Q. And one of the factors you were given</p> <p>24 was that multiple people in the home had guns or</p>	<p style="text-align: right;">Page 80</p> <p>1 going to get at at the end of the question. I'm</p> <p>2 trying to lay a foundation so you don't object and</p> <p>3 say there's no foundation.</p> <p>4 MR. BRADFORD: Okay. Well, I'm</p> <p>5 just trying to keep us all on the same page here.</p> <p>6 You're mixing things up in your question. Go</p> <p>7 ahead.</p> <p>8 BY MR. ZEIGER:</p> <p>9 Q. Understood. So, let me just be clear.</p> <p>10 You were unaware -- so, you were aware that people</p> <p>11 had lawfully registered firearms in the property,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. You were aware that people had a valid</p> <p>15 license to carry in Pennsylvania who lived in that</p> <p>16 property, correct?</p> <p>17 A. Right.</p> <p>18 Q. And you were unaware of any of those</p> <p>19 people who had valid registered guns and/or valid</p> <p>20 license to carry who had any criminal record,</p> <p>21 correct?</p> <p>22 A. You said aware, correct?</p> <p>23 Q. What -- you -- you were not aware that</p> <p>24 any of the people that had a registered firearm or</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
81-84

<p style="text-align: right;">Page 81</p> <p>1 a valid license to carry had any criminal record 2 in Pennsylvania, correct? 3 A. I don't believe so. 4 Q. Right. So, the only person that was 5 identified by anyone as having anything to do with 6 methamphetamine was Mark Anglemeyer, correct? 7 A. For certain, yes. 8 Q. Okay. So, tell me how it is that the 9 people who have lawfully registered firearms, 10 lawfully registered license to carry and no 11 criminal record somehow present some kind of 12 danger to your time when you enter the property?</p> <p>13 MR. BRADFORD: Objection to form.</p> <p>14 THE WITNESS: That's -- we had 15 an intel briefing, I believe it was like eight 16 adults -- during the briefing we were given an 17 intel of possibly eight adults being in the 18 residence. And then it was broken down into -- 19 into their background. And that intel is usually 20 given by the negotiators of the team.</p> <p>21 BY MR. ZEIGER:</p> <p>22 Q. I understand. So, tell me how it is 23 that if any of the people other than Mark 24 Anglemeyer had guns, how -- how did that affect</p>	<p style="text-align: right;">Page 83</p> <p>1 was passed to us by the -- by the people who did 2 the pre-plan for the -- for the warrant service. 3 BY MR. ZEIGER: 4 Q. Corporal, I understand it was intel 5 passed to you. But I'm asking you to tell me in 6 your own mind how that affected your mindset when 7 you went into the property? 8 A. My mindset is always -- I mean, look at 9 the hands, make sure there's no weapons in the 10 hands. I mean, I kind of have that mindset with 11 all the warrant services that I do. 12 Q. I understand. But with the exception of 13 one of the eight people there, you're not giving 14 me any information that you suspected any of these 15 other people of committing any kind of crime, 16 correct? 17 A. Our -- our main job, as I said before, 18 is secure the residence. And by doing that, we 19 secure all people with -- inside as well for 20 the -- for the safety of all, for them, as well as 21 us. And then the investigation can come in and do 22 the rest on their part. 23 Q. I understand. But you said earlier that 24 one of the factors that you were given in intel</p>
<p style="text-align: right;">Page 82</p> <p>1 what was -- why was that a factor in -- in your 2 thinking about going into this property? 3 A. That was intel that was passed on to us. 4 Q. I understand. But you were the highest 5 ranking person or one of the highest ranking 6 people that made entry into this property, 7 correct? 8 A. No. The team dynamic, there's -- the 9 rank structure is not within the SERT team. So 10 the decision to make entry into this house would 11 have fallen -- the intel would have been given to 12 a team leader or the team coordinator or assistant 13 coordinator and then they would have went through 14 the chain of command within the structure of our 15 bureau -- bureau of emergency special operations. 16 Do you understand that? 17 Q. I do. But I still don't have an answer 18 to really the -- the foundational question here. 19 How did it contribute to the ideas of what you 20 might face when you go in, the fact that there 21 were law abiding citizens that had valid guns and 22 valid license to carry? 23 MR. BRADFORD: Objection to form. 24 THE WITNESS: That was intel that</p>	<p style="text-align: right;">Page 84</p> <p>1 that contributed to sort of your sense of what you 2 might face when you go in there were guns. That 3 was your answer, right? 4 A. Yeah, they told us guns was present, 5 correct. 6 Q. Right. So that put you on like a 7 heightened alert in some sense, correct? 8 A. I was -- on all the warrants that we do 9 they're considered high risk. I mean, I'm on 10 heightened alert no matter what -- what the 11 warrant is or what the service is. 12 Q. So, the fact that some people have guns 13 in the house has no bearing on actually really 14 what you do when you go into that house because 15 every job you have, you're on the highest level? 16 A. I feel like I am, yes. 17 Q. Okay. So, in this case whether there 18 were guns there or not wouldn't have made a 19 difference in -- in your actions, correct? 20 A. I don't believe so. 21 Q. And whether there were guns there that 22 were lawfully possessed guns or unlawfully 23 possessed guns would not have affected your 24 thinking before you went into that property,</p>

**ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY**

**August 27, 2020
85-88**

<p>1 correct?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. Sorry for that miscommunication. I hope</p> <p>5 I wasn't -- I don't know. I apologize for that.</p> <p>6 Q. No, it's -- it's no problem. I'm just</p> <p>7 having a very hard time wrapping my head around</p> <p>8 the information that somehow because someone is</p> <p>9 exercising their second amendment rights that</p> <p>10 somehow causes the Pennsylvania State Police SERT</p> <p>11 team to think that the people are dangerous</p> <p>12 because you can't have a license to carry if</p> <p>13 you're a criminal. So it's illogical. It doesn't</p> <p>14 make any sense to me at all --</p> <p>15 MR. BRADFORD: If you're a</p> <p>16 criminal in the house with the lawful guns, you</p> <p>17 could use the guns.</p> <p>18 MR. ZEIGER: But that's a</p> <p>19 violation of 6105, which is a felony -- you get</p> <p>20 five to ten for that. You can't live with the</p> <p>21 guns. So that person should be charged with that.</p> <p>22 BY MR. ZEIGER:</p> <p>23 Q. So, again, other than Mark Anglemeyer,</p> <p>24 there's no other people that that applies to. So</p>	<p>Page 85</p> <p>1 answer?</p> <p>2 A. Correct.</p> <p>3 Q. And by garage, it is a place where cars</p> <p>4 are fixed or a place where cars are stored or</p> <p>5 both?</p> <p>6 A. I cannot tell you.</p> <p>7 Q. Okay. The information that you had was</p> <p>8 that whatever operation for methamphetamine was</p> <p>9 occurring happened in the garage, correct?</p> <p>10 A. I knew it was one of the out buildings.</p> <p>11 I didn't know if it was -- I can't recall if it</p> <p>12 was the garage.</p> <p>13 Q. Okay. But, again, you had no</p> <p>14 information that there was any criminal activity</p> <p>15 taking place in the house where people were</p> <p>16 living, correct?</p> <p>17 A. Yes, it was unknown.</p> <p>18 Q. Okay. And when you went in to the</p> <p>19 house, did you personally observe any</p> <p>20 methamphetamine operation?</p> <p>21 A. I did not.</p> <p>22 Q. Did you or any members of your team</p> <p>23 recover any methamphetamine in the house where</p> <p>24 people were living?</p>
<p>Page 86</p> <p>1 it's illogical to me. I don't understand it. So,</p> <p>2 corporal, do you have any explanation as to -- to</p> <p>3 why that would heighten yourself, you can -- can</p> <p>4 you please give me that answer?</p> <p>5 A. I'm at heightened for all of them. So</p> <p>6 it -- it wouldn't have heightened it any more than</p> <p>7 it already is.</p> <p>8 Q. Pardon me for one second. Now, the</p> <p>9 information that you received, there was no</p> <p>10 allegation of any meth lab in the property upon</p> <p>11 which you entered, correct?</p> <p>12 A. I don't believe so.</p> <p>13 Q. And there was no allegation of any</p> <p>14 criminal activity taking place in the property in</p> <p>15 which you entered, correct?</p> <p>16 A. I don't believe so.</p> <p>17 Q. Now, earlier you stated that you</p> <p>18 believed there were three buildings on the parcel</p> <p>19 of property, correct?</p> <p>20 A. Correct.</p> <p>21 Q. One you identified as a garage,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. I'm sorry. Can you repeat your</p>	<p>Page 88</p> <p>1 A. I did not.</p> <p>2 Q. Did you or any member of your team</p> <p>3 recover anything that would contribute to some</p> <p>4 type of manufacturing or delivery of</p> <p>5 methamphetamine, for example, small baggies,</p> <p>6 scales, scientific equipment?</p> <p>7 A. I did not.</p> <p>8 Q. Did you or any member of your team find</p> <p>9 any United States currency that had been</p> <p>10 previously marked by law enforcement, whether it's</p> <p>11 your group of law enforcement or another?</p> <p>12 A. I did not.</p> <p>13 Q. Did you find any evidence at all of any</p> <p>14 criminal conduct related to any kind of</p> <p>15 methamphetamine operation in that residence where</p> <p>16 people lived?</p> <p>17 A. I did not.</p> <p>18 Q. If you are aware, did any member of your</p> <p>19 team find any information in that building where</p> <p>20 people lived that had anything to do with any kind</p> <p>21 of methamphetamine operation?</p> <p>22 A. I did not.</p> <p>23 Q. You did not. Okay. And regarding the</p> <p>24 other building, are you aware that there was</p>

**ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY**

**August 27, 2020
89-92**

<p style="text-align: right;">Page 89</p> <p>1 another SERT team that entered another building?</p> <p>2 A. Beside -- besides Pennsylvania State</p> <p>3 Police?</p> <p>4 Q. No. Pennsylvania State Police SERT team</p> <p>5 entered another building as well?</p> <p>6 A. Just the three buildings that I</p> <p>7 mentioned to you.</p> <p>8 Q. And those guys all worked with you?</p> <p>9 A. Yes.</p> <p>10 Q. Were they all part of the same</p> <p>11 briefing?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know -- if you know, did any of</p> <p>14 those other state troopers that did not enter the</p> <p>15 main residence encounter any human beings in any</p> <p>16 of the other buildings?</p> <p>17 A. I do not recall.</p> <p>18 Q. Do you know if any of those other state</p> <p>19 troopers that did not enter the main residence</p> <p>20 found any evidence of any kind of methamphetamine</p> <p>21 operation going on in any of the other</p> <p>22 buildings?</p> <p>23 A. I don't know.</p> <p>24 Q. I couldn't understand your answer.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. No problem. Now, earlier in your</p> <p>2 deposition, there's just a couple of things I just</p> <p>3 want to go back and try to tie up a little bit.</p> <p>4 Okay. You made some comment that the gentleman</p> <p>5 that you hit with your shield was disobeying</p> <p>6 commands and resisting. Do you remember you said</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Did you arrest him for anything related</p> <p>10 that conduct?</p> <p>11 A. I did not.</p> <p>12 Q. Why not?</p> <p>13 A. We -- our sole priority is to secure the</p> <p>14 scene.</p> <p>15 Q. Well, what would happen if you secured</p> <p>16 the scene but observed criminal conduct; what</p> <p>17 would you do?</p> <p>18 A. If I observed criminal conduct?</p> <p>19 Q. Yes.</p> <p>20 A. Report that to the investigating</p> <p>21 agency.</p> <p>22 Q. Did you do that in this case?</p> <p>23 A. I did not.</p> <p>24 Q. Well, what if the person took a swing at</p>
<p style="text-align: right;">Page 90</p> <p>1 A. I do not know.</p> <p>2 Q. Do you know in the building you entered</p> <p>3 if any other troopers that were part of your SERT</p> <p>4 team in the residential building found any</p> <p>5 evidence of any kind of methamphetamine operation</p> <p>6 going on in that -- in that building?</p> <p>7 A. I do not know.</p> <p>8 Q. Are you aware of anyone other than</p> <p>9 Richard Anglemeyer that was arrested for anything</p> <p>10 related to any kind of methamphetamine</p> <p>11 operation?</p> <p>12 A. I do not know.</p> <p>13 Q. Did you personally arrest anyone for</p> <p>14 anything related to methamphetamine?</p> <p>15 A. I did not.</p> <p>16 Q. Did you observe any other troopers</p> <p>17 arrest anyone other than Mark Anglemeyer for</p> <p>18 anything related to any kind of methamphetamine</p> <p>19 operation?</p> <p>20 A. I did not.</p> <p>21 Q. Did you arrest anyone, place anyone</p> <p>22 under arrest for anything else or --</p> <p>23 A. I did not. Sorry about that. I did</p> <p>24 not.</p>	<p style="text-align: right;">Page 92</p> <p>1 you, what would you do then?</p> <p>2 A. Report that to the investigating</p> <p>3 agency.</p> <p>4 Q. So -- so if you were injured and you</p> <p>5 wanted the person charged with aggravated assault</p> <p>6 against law enforcement, you would not make an</p> <p>7 arrest for that?</p> <p>8 A. Repeat?</p> <p>9 Q. If you were assaulted by someone while</p> <p>10 executing a warrant and you wanted to arrest that</p> <p>11 person for assault on a police officer, what would</p> <p>12 you -- what would you do? Would you arrest them</p> <p>13 or would you have to report that as well?</p> <p>14 A. That would fall -- you would report</p> <p>15 that.</p> <p>16 Q. So, everything would get reported?</p> <p>17 A. Correct.</p> <p>18 Q. And in this case -- I might have just</p> <p>19 asked this. I apologize. I just can't remember.</p> <p>20 Did you report anything in this case?</p> <p>21 A. I reported in my callout report, what</p> <p>22 was in there.</p> <p>23 Q. Did you say to anyone this guy should be</p> <p>24 arrested for -- for something regarding not</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
93-96

Page 93	Page 95
1 following the commands and resisting?	1 you struck with the shield, did that cage come in
2 A. I did not.	2 contact with that person's body?
3 Q. Why not?	3 A. First I wouldn't say struck. Come in
4 A. Our -- because we were secure -- we	4 contact with but, yes, it did come in contact with
5 wanted to get control of the scene, so that was	5 his body, the shield did.
6 our main priority is secure and control the scene.	6 Q. And I may have asked you this already.
7 Q. But if he was resisting arrest, that's a	7 But did you report that force? Did you self
8 crime in Pennsylvania; you would agree, right?	8 report that force?
9 A. It's not -- it is a crime in	9 A. Yes. That would have been in my callout
10 Pennsylvania, I do agree.	10 report.
11 Q. And you did not recommend an arrest for	11 Q. And in that concise officer history that
12 that in this case?	12 I showed you, if -- if you know, should it be in
13 A. He was not under arrest. We were trying	13 there?
14 to gain control of the scene.	14 A. No, because I didn't know if there --
15 Q. What about disorderly conduct?	15 no.
16 A. We were -- I mean, we could sit here	16 Q. Why not? Why is it not in there?
17 with the crimes code and go over that, but I mean,	17 A. Well, it could be in there, but I was
18 our main goal was to control -- to secure the	18 never interviewed by IAD.
19 scene and that's -- that's what we did.	19 Q. I see. Let me -- I'm going to scroll --
20 Q. So, you just chose not to recommend an	20 I don't want to make you -- okay. I'm going to
21 arrest?	21 represent, to speed this up, that these are in
22 A. No.	22 chronological order on this report. Okay. So you
23 Q. Now, let's go back to this again. So,	23 don't have to go through every page. On your
24 these lights on the shield, how far out do they	24 screen do you see where it says October 3, 2017?
Page 94	Page 96
1 protrude off the shield?	1 A. Yes.
2 A. Approximately 2 inches.	2 Q. And then the next one after that says
3 Q. And are they circular or square?	3 October 16, 2019?
4 A. Ours are square.	4 A. Okay.
5 Q. Any edges on them?	5 Q. It's fair to say there's nothing in here
6 A. They are covered by like a cage.	6 from February of 2018, correct?
7 Q. Okay. And describe the cage?	7 A. No.
8 A. It's a metal, kind of puts -- a wire	8 Q. Okay. So, the -- the use of the shield
9 that like kind of protects from the sharp edges.	9 against whatever this gentleman's name is is not
10 Q. I'm going to ask your attorney to	10 reported on here, correct?
11 provide me with a picture of the shield just as a	11 A. Correct.
12 future --	12 Q. So, you did not self report through this
13 MR. BRADFORD: There's a picture	13 blue box system, correct?
14 in the videos.	14 MR. BRADFORD: Objection to form.
15 BY MR. ZEIGER:	15 THE WITNESS: No.
16 Q. Okay. But if there's a picture of one,	16 BY MR. ZEIGER:
17 I would be grateful if your attorney could get me	17 Q. And your supervisor didn't report you on
18 one. I'll ask you that in a cordial and	18 here for use of force, either, correct?
19 cooperative way without --	19 A. He did not.
20 MR. BRADFORD: You know I'm always	20 Q. So, a couple of more questions and then
21 cordial and cooperative, Brian.	21 I think we're going to be at the very end here.
22 MR. ZEIGER: As am I. As am I.	22 So, are -- are you aware there is a use of force
23 BY MR. ZEIGER:	23 policy for the Pennsylvania State Police?
24 Q. So, to your knowledge, the person that	24 A. Yes, sorry, yes.

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
97-100

Page 97	Page 99
1 Q. Can you tell me what it is?	1 A. The male who disobeyed commands.
2 A. It's our FR9-3, it's our use of force	2 Q. Explain your answer. How was that an
3 policy. Basically we're allowed to use reasonable	3 immediate threat to you?
4 force with the totality of circumstances in	4 A. Basically our -- our job is to
5 performance of our duty for lawfully -- for lawful	5 secure/control this residence. And that, like
6 objectives.	6 I -- I mentioned before is all the people inside.
7 Q. Okay. And are you -- are you aware of	7 And he just disobeyed commands and -- and left
8 the term excessive force? Have you heard that	8 that area.
9 term before?	9 Q. Did you have a picture of Mark
10 A. I have.	10 Anglemeyer shown to you before you went into the
11 Q. Okay. And do you know what the	11 property?
12 Pennsylvania State Police policy is regarding	12 A. Yes.
13 excessive force?	13 Q. So, you had an idea what Mark Anglemeyer
14 A. No -- well, no use of force policy is	14 looked like before you went into the property,
15 allowed -- no excessive force is allowed.	15 right?
16 Q. Why is that, if you know?	16 A. Yes.
17 A. Because you are only supposed to use the	17 Q. When you saw that man disobey, was it
18 reasonable force for -- to come to a lawful	18 Mark Anglemeyer who disobeyed you?
19 objective.	19 A. It was not.
20 Q. And, so, you're aware in your capacity	20 Q. Okay. So, you had no information on
21 as a corporal or state trooper for the last 13	21 that person being dangerous at all; did you?
22 years that you are not allowed to use excessive	22 A. Which person?
23 force, correct?	23 Q. The person that you encountered that was
24 A. Correct.	24 disobeying your commands, you had no previous
Page 98	Page 100
1 Q. And you know that that is a rule in our	1 information that person was part of any kind of
2 community, right?	2 criminal enterprise on the day in question; did
3 A. I do. I do.	3 you?
4 Q. Okay. And other than a methamphetamine	4 A. I don't recall.
5 operation by this gentleman, Mark Anglemeyer, were	5 Q. You had no information that he was
6 you aware of any other crimes that were being	6 involved in any -- whomever you saw, he was
7 alleged in your -- in your briefing before you --	7 involved in any kind of methamphetamine operation,
8 you entered on the SERT team?	8 correct?
9 A. I do not recall any other crimes being	9 A. Yes. I can't recall this fellow's
10 mentioned.	10 identity.
11 Q. Okay. And when you -- and the crime,	11 Q. Understood. But the only person you had
12 actually, that was -- Mark Anglemeyer was being	12 information on that was suspected of committing a
13 accused of was manufacturing, possession with the	13 crime was Mark Anglemeyer, correct?
14 intent to deliver narcotics, to wit,	14 A. Correct, for purposes of that search.
15 methamphetamine. That's what he was -- that was	15 Q. And you had a picture of him, right,
16 the allegation, right?	16 before you went in?
17 A. Yes.	17 A. Yes.
18 Q. And that's the only one?	18 Q. And when you went into the house, the
19 A. I believe so. I can't recall what --	19 person you encountered that was ignoring your
20 what all crimes were mentioned. I -- that one was	20 commands was not Mark Anglemeyer, right?
21 mentioned for sure.	21 A. No.
22 Q. When you entered the property, you did	22 Q. So, what evidence did you have of that
23 not see any immediate threat to yourself; did	23 gentleman being an immediate threat to you?
24 you?	24 A. Just that he failed to obey all commands

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
101-104

Page 101	Page 103
<p>1 and basically give up the structure.</p> <p>2 Q. He didn't run from you; did he?</p> <p>3 A. He moved in a quickened pace. I believe</p> <p>4 I said run in my -- in my report.</p> <p>5 Q. Did he try to get out of the room he was</p> <p>6 in?</p> <p>7 A. Yes, he did get out of the room he was</p> <p>8 in.</p> <p>9 Q. Did he get out of the house?</p> <p>10 A. No.</p> <p>11 Q. Okay. And did he pull a weapon on</p> <p>12 you?</p> <p>13 A. He did not.</p> <p>14 Q. Did you see a gun or knife in his</p> <p>15 hand?</p> <p>16 A. I did not.</p> <p>17 Q. Did he have any kind of attack dog or</p> <p>18 anything like that with him?</p> <p>19 A. I didn't -- no.</p> <p>20 Q. Okay. Would you say -- so, when you're</p> <p>21 in the room with him when you used the shield, is</p> <p>22 he talking back to you or is he trying to get out</p> <p>23 of the room?</p> <p>24 A. He's kind of deep in the room and I'm</p>	<p>1 you were in there with that shield, correct?</p> <p>2 A. I don't know.</p> <p>3 Q. But did you see him trying to run?</p> <p>4 A. Yes, he ran from the first room to the</p> <p>5 second.</p> <p>6 Q. I understand. I'm asking about the</p> <p>7 second room. Once you're in the second room with</p> <p>8 him and you have the shield up, do you -- do you</p> <p>9 see him trying to run from the -- from the second</p> <p>10 room to another room out of that room?</p> <p>11 A. No.</p> <p>12 Q. Okay. Is he saying anything to you at</p> <p>13 that point in time?</p> <p>14 A. Not that I can make out.</p> <p>15 Q. Are you telling him you have a</p> <p>16 warrant?</p> <p>17 A. State Police search warrant multiple</p> <p>18 times, show your hands, get on the ground.</p> <p>19 Q. Okay. And, again, as far as any kind of</p> <p>20 resisting arrest goes, you claim that that is not</p> <p>21 possible because he wasn't under arrest, so you</p> <p>22 couldn't arrest him for resisting an arrest that</p> <p>23 didn't occur; is that right?</p> <p>24 A. Yes. He was -- yes, he was resisting</p>
Page 102	Page 104
<p>1 just giving him simple commands that he's just</p> <p>2 failing to follow.</p> <p>3 Q. So, it's -- it's doorway -- it's hall --</p> <p>4 it's wall four, doorway, kitchen, living room,</p> <p>5 poolroom; is that the correct order?</p> <p>6 A. So, we went in, it was the kitchen room</p> <p>7 and then me and Corporal Schimp went to the right</p> <p>8 and it kind of went -- there was like another</p> <p>9 threshold and that went into the living room.</p> <p>10 Q. And then next to the living room, is</p> <p>11 that the pool room?</p> <p>12 A. Yes, deep in the structure was the pool.</p> <p>13 Q. Is there any room between the living</p> <p>14 room and the pool room?</p> <p>15 A. Yes. There was a bedroom.</p> <p>16 Q. Okay. Is there a hallway between the</p> <p>17 living room and the bedroom and the pool room?</p> <p>18 A. I believe so.</p> <p>19 Q. And the gentleman that you used force</p> <p>20 against, did you -- did you see him once you're in</p> <p>21 the living room trying to get into that hallway?</p> <p>22 A. No.</p> <p>23 Q. So, he wasn't trying to run away from</p> <p>24 you or escape from you from that living room once</p>	<p>1 commands, not following commands, just</p> <p>2 disobedient.</p> <p>3 Q. Okay. But, Corporal, it's really</p> <p>4 important for me. Okay. There's a huge</p> <p>5 difference for me between resisting arrest like a</p> <p>6 crime in Pennsylvania under the crimes code and</p> <p>7 just being resistant to your commands. They are</p> <p>8 not the same thing. Do you understand -- do you</p> <p>9 understand that they're not the same thing?</p> <p>10 A. Resist, resisting arrest --</p> <p>11 Q. So, resisting arrest is a crime in</p> <p>12 Pennsylvania --</p> <p>13 A. Yes.</p> <p>14 Q. -- that's criminal conduct, right?</p> <p>15 A. Yes.</p> <p>16 Q. Resisting your commands is not a crime</p> <p>17 and it's not criminal conduct. Do you understand</p> <p>18 that?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. But I'm asking you to distinguish</p> <p>21 between the two in this case. And previously you</p> <p>22 told me he was not resisting arrest because he</p> <p>23 wasn't under arrest for anything because he wasn't</p> <p>24 a suspect of doing anything wrong. Is that still</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
105-108

Page 105	Page 107
1 correct?	1 A. No, I did not arrest him.
2 A. Yes, he was not under arrest for	2 Q. And other than that gentleman, was there
3 anything.	3 anyone else in the kitchen when you entered?
4 Q. Right. And, so, he wasn't resisting	4 A. Not that I seen or witnessed.
5 arrest in any way as a result of that, correct?	5 Q. And when you went into the living room
6 A. Correct.	6 with him next to the kitchen, were there any other
7 MR. BRADFORD: For crimes code	7 people in the living room?
8 purposes.	8 A. There was another -- another male that
9 MR. ZEIGER: For crimes code	9 appeared later.
10 purposes, that's what I'm asking, exactly.	10 Q. Was this before or after your shield was
11 BY MR. ZEIGER:	11 on the man we're talking about?
12 Q. Is that right, Corporal?	12 A. I -- I can't recall.
13 A. Yes, he was not resisting arrest.	13 Q. So, it could have been before, during or
14 Q. He was resisting your commands,	14 after, you're not sure?
15 though?	15 A. My focus was on the party I was dealing
16 A. Correct.	16 with. And then they had another person on the
17 Q. Okay. And you had no information that	17 ground. It would have probably been after.
18 this individual, whomever he was, was violent or	18 Q. And can we -- let's break that down.
19 dangerous; did you?	19 You used a lot of pronouns there.
20 A. No, it was unknown.	20 A. Okay. I apologize. I cut you off
21 Q. Okay. And the duration of time it took	21 there. I'm sorry.
22 from once you entered the building until he left	22 Q. No. You explain.
23 the kitchen, how much time passed?	23 A. I went in. I was there with this
24 A. There was seconds --	24 individual. As I was dealing with him, he come to
Page 106	Page 108
1 Q. I didn't hear you.	1 the ground, and then the other -- the other male
2 A. It was sudden.	2 appeared.
3 Q. Less than five seconds?	3 Q. So, at the time that your shield made
4 A. Yes.	4 contact with this person's body, there was no one
5 Q. Then when you were in the living room	5 else in that living room, correct?
6 next to the kitchen, how long was it from the time	6 A. Not that I witnessed.
7 you entered that room until your shield touched a	7 Q. Okay. And when you entered the kitchen,
8 part of his body?	8 were you able to see the man's hands before he
9 A. I can't give a time frame. It was	9 started to walk away from you?
10 quick.	10 A. I can't recall.
11 Q. Less than ten seconds?	11 Q. Did you notice a weapon in his hands,
12 A. Yes.	12 any type of weapon?
13 Q. So, from the time you entered the room	13 A. No.
14 on wall four until the time he was on the ground	14 Q. And when he went in the living room, did
15 with your shield on top of him, was it -- it would	15 you notice any type of weapon on his person?
16 have to have been less than 15 seconds; is that	16 A. No, there was no weapon on -- in his
17 fair to say?	17 hands.
18 A. Yes.	18 Q. And you never saw him go for a weapon
19 Q. Okay. And when you took the shield and	19 anywhere, correct?
20 you -- you put the shield on his person, that was	20 A. No. His attention was towards us.
21 not part of you arresting him, correct?	21 Q. And when you finally got your shield on
22 A. That was to gain control of the subject.	22 him and he was zip tied, no weapon was recovered
23 Q. So, the answer to my question is, no, it	23 from him, correct?
24 was not part of you arresting him?	24 A. Not that I know of.

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
109-112

Page 109	Page 111
<p>1 Q. Other than Mark Anglemeyer, you had no 2 information that anyone else in the property was 3 violent or dangerous, correct?</p> <p>4 MR. BRADFORD: Objection to form.</p> <p>5 THE WITNESS: It was unknown.</p> <p>6 BY MR. ZEIGER:</p> <p>7 Q. Okay. So, the answer to my question is, 8 no, you didn't have any affirmative information 9 that anyone was violent or dangerous before --</p> <p>10 MR. BRADFORD: Objection to the 11 form.</p> <p>12 THE WITNESS: It was unknown at 13 that point.</p> <p>14 BY MR. ZEIGER:</p> <p>15 Q. I mean, unknown means you didn't know or 16 you didn't have any information --</p> <p>17 A. I mean, it was unknown.</p> <p>18 Q. Okay. If the person who was hit with 19 this shield -- I'm going to use the word hit. If 20 the person who -- who made contact with this 21 shield that you had on your person claims they 22 were injured as a -- as a result of this incident, 23 what is your response to that statement?</p> <p>24 A. I did not know of any injuries of that</p>	<p>1 to anyone during this take down of this house?</p> <p>2 A. I did not.</p> <p>3 Q. Did you see Corporal King at all in this 4 -- in this house at all?</p> <p>5 A. Not that I can recall.</p> <p>6 Q. And as far as the gentleman that your 7 shield touched, you never saw him placed in a 8 chair anywhere?</p> <p>9 A. I did not.</p> <p>10 MR. ZEIGER: Thank you very much.</p> <p>11 I have no further questions. Please be safe.</p> <p>12 BY MR. BRADFORD:</p> <p>13 Q. Corporal, I have a couple of things to 14 clear up here. Corporal, how many SERT jobs are 15 you involved in, we'll say annually?</p> <p>16 A. With last year or this year, we're --</p> <p>17 we're going to be well over 100 --</p> <p>18 Q. So --</p> <p>19 A. -- each year.</p> <p>20 Q. Each year about 100?</p> <p>21 A. Well over 100.</p> <p>22 Q. When we talked about that -- that the --</p> <p>23 it was actually dark out when you entered the 24 house?</p>
Page 110	Page 112
<p>1 day.</p> <p>2 Q. If they were injured as a -- as a result 3 of that, are you sorry for causing that injury?</p> <p>4 MR. BRADFORD: Object to form.</p> <p>5 Don't answer that. That's a silly question.</p> <p>6 BY MR. ZEIGER:</p> <p>7 Q. All right. Now, this other Corporal 8 King that we talked about, is he -- is he the --</p> <p>9 the only African American trooper that was on --</p> <p>10 in that group?</p> <p>11 A. Yes, I believe -- there may have been 12 two on the team. I can't recall if there's -- if</p> <p>13 Brian was the only -- Corporal King was the only</p> <p>14 African American at that point or not.</p> <p>15 Q. And if there was another African</p> <p>16 American on the team, would they have been the</p> <p>17 same size as him or is he like one of the biggest</p> <p>18 guys around?</p> <p>19 A. He's the bigger of the two black guys.</p> <p>20 Q. And -- and is Corporal King also bigger</p> <p>21 than everyone else there regardless of their race</p> <p>22 or nationality?</p> <p>23 A. He's -- he's a bigger individual, yes.</p> <p>24 Q. Did you hear Corporal King say anything</p>	<p>1 A. Yes, I believe so.</p> <p>2 Q. What were the conditions inside of the 3 house, in the kitchen or the living room 4 specifically where -- where you saw the male that 5 you made contact with?</p> <p>6 A. I know I was using the light on my 7 shield and then the light on my weapon as well. 8 And I was using them to illuminate -- illuminate 9 the room. I apologize. I just messed up my 10 screen here.</p> <p>11 MR. BRADFORD: Off the record for 12 a second.</p> <p>13 (Discussion off the record.)</p> <p>14 BY MR. BRADFORD:</p> <p>15 Q. Corporal, did you know if the gentleman 16 that you had contact with had a firearm on his --</p> <p>17 on his person anywhere when you encountered him?</p> <p>18 A. I did not.</p> <p>19 Q. Do you know whether when you encountered 20 him and when you made contact with him with the 21 shield, that -- whether or not there was a firearm 22 within -- within arm's reach of him?</p> <p>23 A. I did not.</p> <p>24 Q. Could you see the entire room when you</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTYAugust 27, 2020
113-116

Page 113	Page 115
1 had -- when you made contact with him with the 2 shield, had you looked at the entire room for 3 firearms? 4 A. I did not. A quick scan for people. 5 Q. Did you know if -- did you know if 6 anyone else was in that living room when you were 7 making contact with the gentleman you -- the 8 male? 9 A. I did not witness anyone. 10 Q. Mr. Zeiger asked you about how someone 11 would be able to identify you. Is it fair to say 12 your report described in great detail what you did 13 once you entered that house and -- and who you 14 encountered? 15 A. Yes. 16 Q. And you described that again today in 17 great detail? 18 A. Yes. 19 Q. Did -- so, did -- did any other male 20 residents in the house have a shield made contact 21 with them in the living room on the lower level 22 that you recall? 23 A. I don't believe so. 24 Q. So, if one person had his shield made	1 search warrant? 2 A. Yes. 3 Q. And now are you sure that none of the 4 other -- let's put it this way. There was -- 5 there was a number of residents that were -- a 6 number of individuals that were supposed to be 7 inside that residence, correct? 8 A. Correct. 9 Q. Now, did you know whether those would be 10 the only people in the residence or that there 11 could be other people in the residence? 12 A. There's always the chance that there are 13 additional people in the residence. 14 Q. And we talked about how Mark Anglemeyer 15 had a record and was not allowed to possess 16 firearms. Do you know if any of the other 17 residents actually had a criminal record that 18 were -- at least the residents that were presented 19 to you during that briefing? 20 A. I believe there was multiple individuals 21 with criminal histories. 22 Q. And these individual, the people with 23 criminal histories and the people without criminal 24 histories were all located somewhere in this
1 contact with them in the house, in the living room 2 on the lower level, that person would know who you 3 were? 4 A. Yes. 5 Q. Mr. Zeiger asked you questions about 6 that briefing and asked you -- tested your memory 7 on that. That -- that briefing was videotaped, 8 correct? 9 A. It was. 10 Q. And there was several videos, there was 11 eight videos of the briefing and then four videos 12 of the -- of rehearsal. Do you recall that? 13 A. I know there was -- there was a lot. 14 Q. And those were all provided to 15 plaintiffs' counsel in the course of discovery to 16 this point. Were you present for the -- that 17 entire briefing, at least the parts that were 18 captured on videotape? 19 A. Yes, I was. 20 Q. So, is it fair to say the information 21 that was relayed to you that is caught on -- 22 captured by that video, you were -- you were 23 present, you had that information at your disposal 24 at the -- the morning you actually conducted the	1 house, right? 2 A. Correct, I believe so. 3 Q. And you had information that there was a 4 number of firearms in this house? 5 A. Yes. 6 Q. And someone who is not allowed to use a 7 firearm could easily get a firearm if it's in the 8 house with him, right? 9 MR. ZEIGER: Objection. Calls 10 for speculation. You can answer. 11 MR. BRADFORD: You've been 12 speculating all day. 13 BY MR. BRADFORD: 14 Q. The -- and if someone -- if someone has 15 a -- lawfully possess a firearm, they certainly 16 can use it for an unlawful purpose; is that fair 17 to say? 18 A. Yes. 19 Q. Is it -- is it a concern to you that -- 20 whether or not there's guns in the house when 21 you -- when you participate in a search warrant as 22 part of SERT? 23 A. Yes. 24 Q. I guess if you don't have information

**ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY**

**August 27, 2020
117-120**

<p style="text-align: right;">Page 117</p> <p>1 that there's -- there's firearms in the house, you 2 still assume there could be, correct? 3 A. Yes. 4 Q. Do you know how many guns were actually 5 recovered from this house? 6 A. I do not. 7 Q. Did you know much about the layout of 8 the house before you went into it? 9 A. No. 10 Q. And presumably the residents were pretty 11 familiar with that? 12 A. Correct. 13 Q. And just to be clear, did you know one 14 way or another whether -- with the information 15 that was shared to you during the briefing, did 16 the information provided indicate one way or 17 another whether -- whether the other individuals 18 besides Mark Anglemeyer were actually part of the 19 meth operation? 20 A. It was unknown. 21 Q. So, they could have or they couldn't 22 that, you just didn't -- that was the -- that was 23 the information that was presented? 24 A. Yes.</p>	<p style="text-align: right;">Page 119</p> <p>1 say? 2 A. Yes, I believe so. 3 Q. You don't decide, the supervisor 4 decides? 5 A. Yes. 6 Q. Do you know if -- so, did I ask this? 7 Do you know if there were any arrests that day 8 as -- of any of the residents at the house? 9 A. I do not. 10 MR. BRADFORD: I'm done. Thank 11 you. 12 BY MR. ZEIGER: 13 Q. Were you aware that there was -- the 14 allegation in this case from the locals who called 15 you all was that the methamphetamine operation was 16 in the garage? Are you aware of that? 17 A. I believe that was mentioned in the 18 briefing, yes. 19 Q. Okay. And are you aware that there was 20 no allegation from the locals that there was any 21 criminal conduct occurring in the house? 22 A. I can't recall. 23 Q. Do you know -- let me -- let me make a 24 statement and then I'm going to ask you a</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. So, it's fair to say that the -- the 2 information that is presented on the video is the 3 information that is presented to you? 4 A. Yes, correct. 5 Q. And before that briefing at 04:00 hours 6 that morning, did you have any information at all 7 about these people? 8 A. I did not. 9 Q. Did you participate in the local county 10 investigation that led to SERT -- 11 A. I did not. 12 Q. After you left the scene, did you 13 participate in any fashion in any criminal charges 14 that resulted from this search warrant? 15 A. I did not. 16 Q. When you -- when there's a use of force 17 by yourself, Mr. Zeiger said, you know, you report 18 that as self reporting, so you report that to your 19 supervisor; it that the process? 20 A. Yes. And that would have been done via 21 my callout report. 22 Q. And then your supervisor who reviews the 23 callout report then decides this is something that 24 warrants a blue team action; is that fair to</p>	<p style="text-align: right;">Page 120</p> <p>1 question. I'm going to tell you that the 2 allegation was that there was a methamphetamine 3 operation in the garage, and that there was no 4 allegation of any criminal conduct in the house. 5 I am going to state those facts. Okay. If that's 6 true, do you know why there would have been a SERT 7 team that entered the house? 8 A. Because there was a search warrant for 9 the house. 10 Q. Based on your experience would it have 11 been safe for you to just enter the garage without 12 entering the house? 13 MR. BRADFORD: Objection to form. 14 THE WITNESS: I don't comment on 15 other people's investigations. This was their 16 investigation and I know there was paperwork that 17 three structures were to be searched and secured 18 and we were requested to help out with that. 19 BY MR. ZEIGER: 20 Q. So, you were never told in any kind of 21 briefing, hey, we think the meth lab is in the 22 garage but there's all of these people in this 23 other house so we better take down both structures 24 simultaneously?</p>

ROBERT MCGARVEY
ANGLEMEYER vs NORTHAMPTON COUNTY

August 27, 2020
121-122

1	Page 121
<p>MR. BRADFORD: Objection to form.</p> <p>You can answer.</p> <p>THE WITNESS: We were told we had three structures on the search warrant. And during our briefing we briefed the three structures that we would -- we would secure.</p> <p>MR. ZEIGER: I have nothing further. Thank you.</p> <p>THE VIDEO TECHNICIAN: We ask that all participants to stay connected briefly to provide your transcript and video orders. Mr. Zeiger, would you like a copy of the transcript and/or video?</p> <p>MR. ZEIGER: I would like a mini script and video, and I would like both via email if possible. No hard copies if possible.</p> <p>MR. BRADFORD: You can do the same for me.</p> <p>THE VIDEO TECHNICIAN: We are now going off the record on August 27th at 12:13 p.m.</p> <p>(Witness excused.)</p> <p>(Deposition concluded at 12:13 p.m.)</p> <p>24</p>	

1	Page 122
<p>C E R T I F I C A T E</p> <p>I hereby certify that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.</p> <p>Dolores M. Horne</p> <p>Dated: September 2, 2020</p> <p>(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	